

# PLANNING COMMISSION REPORT



MEETING DATE: JUNE 8, 2005

ITEM NO. \_\_\_\_\_ GOAL: Coordinate Planning to Balance Infrastructure

## SUBJECT

**Sonrise Community Church - 7-UP-2004**

## REQUEST

Request a conditional use permit for a private/charter school on a 9 +/- acre parcel located at 29505 N Scottsdale Road with Single Family Residential, Environmentally Sensitive Lands, Foothills Overlay District (R1-70 ESL FO).

### Key Items for Consideration:

- The request is for approval of a use permit for a private school with enrollment of 200 students, preschool - 8<sup>th</sup> grade at the existing church site.
- This case was previously heard and recommended for denial by the Planning Commission on September 29, 2004. The applicant has since revised the site plan based on input from that meeting.
- Revised site plan has relocated the school facility eastward, to the east of the existing church, away from the AO Flood Zone
- The updated traffic study suggests methods of handling traffic generated by this use including a potential traffic signal at the main driveway when the property to the north develops or when warranted – See Traffic Impact Summary, Page 4 of this report.
- Proposed school floor area has been reduced by 21% to 26,350 square feet
- Substantial community involvement was received prior, to, and during the initial Planning Commission meeting. Since that meeting, staff has received e-mails and phone calls from concerned citizens concerning the suitability of the use, site design, traffic safety and neighborhood impact. (Staff has attempted to include a majority of the e-mails for Planning Commission review- See Attachment #10 Citizen Involvement)

### Related Policies, References:

- The area was annexed from Maricopa County in 1983 as Rural 43 District.
- Case 36-Z-84 rezoned the site to R1-70 (Single Family Residential) District in 1984.
- Environmentally Sensitive Lands Ordinance (ESL) was adopted in 1991 and the Foothills Overlay (FO), was adopted in 2001
- 95-DR-1998 approved the existing church facility (approval also included 5,824 ft. Sunday school building, which was never built)



## OWNER

Sonrise Community Church  
480-502-2834

**BACKGROUND****General Plan.**

The General Plan Land Use Element designates the area Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods with densities of one house per one acre or more. Native desert vegetation is prevalent and special care is required to preserve the area's open desert character and environmental features. Zoning regulations allow non-residential uses, such as places of worship, neighborhood parks and schools, which provide community assets and services essential to residential areas.

**Zoning.**

The site is zoned Single Family Residential (R1-70 ESL FO) Environmentally Sensitive Lands (ESL, adopted in 1991) Foothills Overlay (FO, adopted in 2001) District where private school is a conditional use and requires a use permit. The District purpose provides for single-family dwellings as the main use with related recreational, religious and educational facilities. The ESL and F-O districts provide additional development standards to protect the natural desert environment and rural character of the area.

**Foothills Overlay (FO)**

The site is within the boundaries of the Foothills Overlay (FO) district. FO is an overlay zoning district that was implemented to conserve the character of the desert, minimize the impacts of development and maintain significant open spaces, which provide view corridors and landscape buffers. The FO does not control land uses, which are a function of the underlying zoning district. Prescribed development standards include building height, walls, style, materials and building massing to help meet this goal. In addition, the FO provides that the visual impact of building shall be minimized.

No exceptions to the FO provisions are being requested with the case. Development Review Board approval will provide assurance of conformance to development standards of the FO provisions. (See FO, ESL and Desert Foothills Design Guidelines Conformity Report, Attachment #9)

**Environmentally Sensitive Lands Ordinance (ESLO)**

The Environmentally Sensitive Lands (ESL) Ordinance establishes design standards and open space dedication regulations intended to preserve the natural desert character of the area. The application of the ESL overlay provides development standards and Natural Area Open Space (NAOS) dedication requirements to protect open space and sensitive lands to help assure suitable development. The ESL overlay does not regulate land use, which is a function of the underlying zoning districts. The proposed development is consistent with and does not violate the provisions of the ESL Ordinance.

**Desert Foothills Design Guidelines**

The Desert Foothills Design Guidelines provides recommendations and standards, which focus on blending development with the natural desert setting and provides a common vision for the foothills area. Many of these principles have been subsequently incorporated into the Foothills Overlay zoning overlay. These Guidelines are not regulations, code or ordinance, but are designed to provide direction and to create a theme for the style and form of

development that is deemed appropriate for the area.

**Context.**

This site is located southeast of the intersection of Scottsdale Road and Dixileta Road. Surrounding properties are zoned

- Single Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) District is located to the north, south and east sides of the site with the Desert Foothills Lutheran Church to the south, the undeveloped Desert Mission United Methodist Church site to the north and 74<sup>th</sup> Street and single-family homes to the east and southeast.
- To the west is Scottsdale Road and Single Family Residential with a Planned Residential District and Environmentally Sensitive Lands overlay (R1-35 PRD ESL) and & R1-43 ESL FO zoning districts.

**APPLICANT'S  
PROPOSAL****Goal/Purpose of Request.**

The proposal is for approval of a use permit for a new 200-student private school on the existing 9-acre church site. The site plan has been revised since the September 29, 2004 Planning Commission meeting and has relocated the buildings from the western side of the property to the central area, east of the existing church building. In the revised proposal:

- The floor area of the proposed buildings (excluding the church) has been reduced by 21% or 7,034 square feet from approximately 33,384 square feet to 26,350 square feet. Floor area reductions include:
  1. School area containing 10 classrooms is reduced from 11,000 to 9,390 square feet (-1,610 sq. ft or 14.6%)
  2. Multi-purpose facility reduced from 17,000 to 14,200 square feet (-2,800 sq. ft. or 16.4%)
  3. Office reduced from 5,000 to 2,760 square feet (-2,240 sq. ft. or 55.2%)
  4. Parking lot from 291 to 264 spaces (-27 spaces or 9.3%)
- The school floor area per student ratio has also been reduced from 55 square feet to 47 square feet.
- The multi-purpose facility stage has been eliminated and the auditorium style seating capacity is reduced from 395 to 330 seats, a reduction of 65 seats or 16.4%.
- The revised site plan has relocated almost all new buildings out of the AO flood hazard area on the site.
- No development is proposed within 335 feet of 74<sup>th</sup> St. and this area will be maintained as a 2.5-acre NAOS area, separating activities from adjacent property owners.

The proposal has reconfigured the classroom building, a multi-purpose/gym facility, and playground, parking lot NAOS area. The student drop-off/pickup area is located north of the classroom building and office building and contains stacking for 10 vehicles. The proposed multi-purpose/gym building contains a standard 100 by 90 foot indoor basketball court, which can also be used for an approximate 330-seat assembly area. This building also contains a kitchen, cafeteria, locker room, coach's office and related uses. No large "outside events" will be held at the multi-purpose facility other than for school and church members during regular school hours. (See Stipulation 4, Attachment

#5).

**Development information.**

- *Existing Buildings/Use:* A 385 seats (plus 46 choir seats), 12,633 sq. ft. church and 191 stall parking lot exists on the site
- *Proposed Buildings:* A new classroom building, office building and multi-purpose /gymnasium facility
- *Parcel Size:* Approximately 9 acre site
- *Building Height Allowed:* The ESL and Foothills zoning overlays allow maximum building heights of 24 feet above natural grade. The proposed buildings meet this height. The land slopes to the southwest; the calculated top of the parapet roof of the multi-purpose building is at a point 13.5 feet higher than 74<sup>th</sup> St., based on a line drawn along a level plane.
- *Floor Area:* The proposed school building is 9,390 square feet; new office is 2,760 square feet; new multi-purpose/gymnasium is 14,200 square feet; total floor area is 26,350 square feet or 38,983 square feet including the church. Floor area ratio (FAR) including the church is 0.098, while 0.200 is permitted.
- *Parking* 264 spaces provided, 256 required
- *Other:* A 10,000+/- square foot playground is provided north of the classroom building and student drop-off area.

**IMPACT ANALYSIS**

**Traffic.**

All vehicular access to the site will be from Scottsdale Road, which is classified as a major arterial street. A 75-foot wide half street right-of-way and 50-foot wide scenic corridor were dedicated along Scottsdale Road with the development of the original church in 1998. No additional roadway dedications are required. The stipulations require the developer to reconstruct the northern site driveway to align with the existing Morning Vista Drive on the west side of Scottsdale Road. The driveway will be shared with the adjacent property to the north, currently owned by Desert Mission United Methodist Church. Full site access is currently allowed at this driveway. A northbound right turn deceleration lane is required with the construction of site driveway. No access is provided to 74<sup>th</sup> Street, a 30 foot wide half street, local residential street, on the east side of the site.

The approval of the use permit for the proposed private elementary school will result in 729 trips generated per day to and from the project site, with an estimated 328 trips into and out of the site during the a.m. peak hour and 248

during the p.m. peak hour. The additional daily 729 trips on Scottsdale Road represents an approximate 2.5 percent increase of existing traffic 2005 traffic volume of 29,540 vehicles per day. Additional trips would be generated by the multi-purpose/gymnasium facility when it is used for events other than those associated with the operation of the private elementary school. A stipulation precludes outside events from occurring in the multi-purpose building during school hours.

With the addition of the proposed school traffic, all movements at the site driveway/Morning Vista Lane and Scottsdale Road intersection other than right turns will operate at poor levels of service. Left turns and through movements out of the site will experience significant delay if the site only has uncontrolled access on an arterial street, Scottsdale Road. This is typical for a stop-controlled driveway on an arterial street during peak hours. The traffic study prepared for the development proposal recommends the installation of a traffic signal at this intersection with the development of the property to the north. This traffic signal will provide controlled access for both the church properties on the east side of the street and the residential subdivision on the west side of the street, while minimizing the number of intersections along Scottsdale Road and the associated conflict points that result.

For the horizon year 2010, the signalized intersection of Scottsdale Road and Dixileta Drive will continue to operate at an acceptable level of service, with the addition of the school traffic and development of the adjacent property as a church and school. All movements at the intersection will operate at LOS D or better in the morning and evening peak hours.

The study also identifies other ways that traffic impacts can be mitigated:

- The City should require cross access through the adjacent property to the north to provide access from the SonRise Church and School to Dixileta Drive. This will provide alternate access, reducing the impact of site traffic on the Scottsdale Road traffic.
- The City should consider lowering the existing 55 mph speed limit along this section of Scottsdale Road.
- The City should continue to monitor the traffic volumes at the signalized intersection of Scottsdale Road and Dixileta Drive to see if left turn arrows are warranted.

Staff supports the recommendation to require cross access to Dixileta Drive. Staff will evaluate the current speed limit on Scottsdale Road and will continue to monitor the Dixileta Drive intersection to determine when left turn arrows are warranted.

### **Parking.**

The proposed parking lot contains 264 spaces. The required private school parking includes;

- 10 spaces for the classrooms (1 space/classroom),
- 14 spaces for the office (1 space/each 200 sq. ft.),
- 83 spaces for the multi-purpose/gym facility (1 space/each 4 seats when used with fixed seating),

For a total of 107 spaces required for the school.

The existing church requires 149 spaces (1 space/ each 4 fixed seats plus 1 space/ each 200 sq. ft. of meeting area) for a combined site total of 256 spaces.

When the multi-purpose/gym facility is used for athletic events such as basketball, volleyball or gymnastics, 71 spaces (1 space/each 200 sq. ft.) are needed.

**Water/Sewer.**

Existing water and sewer facilities have been extended from facilities within Scottsdale Road. There is adequate capacity to accommodate the school and associated buildings.

**Fire.**

Rural Metro has reviewed the project for compliance with fire safety standards and parking lot access and apparatus turning requirements. The Fire Dept. has requested, in addition to the main access, an emergency vehicle access be provided to the church parking lot from Scottsdale Road, south of the site's main access. This access will be gated for emergency vehicle use only.

**Schools District comments/review.**

Cave Creek Unified School District has been notified of this application and has no objections.

**Open space, scenic corridors.**

Overall, a total of 127,361 square feet (2.92 acres) of NAOS is provided while 112,300 square feet (2.57 acres) is required. This will result in 32% of the site's 8.94-acre net lot area being provided as NAOS. A public trail easement is provided within the 50-foot wide scenic corridor along Scottsdale Road and along the north boundary of the site, in conjunction with the property to the north. A 2.5-acre (335 by 320 ft.) NAOS buffer is located along the east side of the site adjacent to 74<sup>th</sup> Street. The site is within the Lower Desert Landform of ESLO, which is the least sloped, and generally the least sensitive of the three ESL Landforms.

**Drainage**

In general, drainage review would confirm that:

- 1) Buildings on the subject property are safe from flooding,
- 2) Development on the subject property will not increase the risk of flooding on adjacent property,
- 3) Identify and confirm compliance with all applicable design and development criteria. (Flood and ESLO preservation criteria)

*General Overview of Drainage*

Sonrise site drainage design is influenced by a wash and a major flood prone alluvial fan area. The relatively minor wash has an estimated 100-year discharge of 79 cubic feet per second (cfs). During original site development, culverts were built to convey this runoff beneath the parking lot. With the exception of new culverts at the Scottsdale Road southern driveway, no further modification of this wash is proposed.

A dominant, drainage feature is a much larger flood prone area lying on the

northwest portion of the Sunrise site. This flood prone area has the capacity to convey runoff from it's local tributary area, and depending on the hydraulic performance of several upstream wash branches, may be exposed to a larger tributary area during certain storm events. This area of "worst case" risk is identified on FEMA FIRM panel 820 as an AO zone special flood hazard area. The potential flooding area includes the northwestern portion of the Sunrise site, and to some extent overlaps the 79 cfs wash discussed above.

Especially relating to the special hazard flood prone area, regulatory criteria include the performance criteria expressed in the Code of Federal Regulations and repeated in City ordinance and described by items (1) and (2) above. Additional criteria are compliance with preservation measures expressed in the Environmentally Sensitive Lands Ordinance.

The applicant's engineer performed detailed hydraulic analyses of the flood prone area and has shown compliance with the flood protection criteria described above. With regard to ESLO preservation, generally no further disturbance is anticipated for either wash.

#### **Use Permit Criteria.**

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
  1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - *Noise and illumination are the primary areas of possible disturbance to adjacent properties, since smoke, odor, dust and vibration do not appear to be issues associated with the case. The school's outdoor playground will be the primary source of noise that could affect adjacent neighborhoods. The playground is situated northeast of the church and north of the school building. The placement of the buildings will help to buffer playground noise from disturbing residential homes located about 650 feet toward the east and southeast. Scottsdale Road will separate the playground, from residential areas situated to the west, about 400 ft. away. A second source of noise, the site's parking lot is separated from residential areas to the east by an approximate 335-foot wide NAOS buffer and landscape area. No sports field lighting is proposed. Parking lot lighting will have full cut-off and shielded fixtures, and be a maximum of 16 ft. in height, be setback a minimum of 30 feet from adjacent property lines and, except for security lighting, will be turned off by 10:00 p.m.*
  2. Impact on surrounding areas resulting from an unusual volume or

character of traffic.

- ***All vehicular access to the site will be from Scottsdale Road. Reconfigured access along the north side of the site will be built in conjunction with the Desert Mission Methodist Church property to the north providing a full median break to Scottsdale Road and aligning with Morning Vista Drive to the west. The applicant has agreed to participate in the cost of the future signal, which will not be installed until it meets signal warrant. This intersection will be signalized in accordance with the recommendation of the traffic analysis. The driveway will have a northbound, right turn deceleration lane. A revised Transportation Impact Mitigation Analysis (TIMA), which reflects the developer's revised submittal, indicates the facility can adequately accommodate 200 students and about 15 staff. The proposed school should not create an unusual volume or character of traffic.***

3. There are no other factors associated with this project that will be materially detrimental to the public.
  - ***Previous issues related to flooding have been addressed by relocation of the building away from the AO flood hazard area. There are no known factors associated with this use that are materially detrimental to the public (see Community Impact below).***
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - ***The school is considered reasonably compatible with the surrounding residential uses. Schools (public, private, charter) are treated in the zoning ordinance as residential uses.***
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.
  - a. The site is not situated within five-hundred (500) feet of an adult use.
  - b. The school site is on an 8.94-acre property, more than the minimum required 86,000 square feet. The total floor area for the school facility is 26,350 square feet and is less than the maximum floor area allowed by ordinance (0.200 FAR allowed and 0.098 provided).
  - c. There are no proposed outside speakers, bell or alarm systems.
  - d. No sports field lighting is proposed. Parking lot lighting other than security lighting will be turned off by 10 p.m.
  - e. The overall site plan provides open space and NAOS in conformance city requirements.
  - f. School parking meets ordinance requirements at a minimum of 20 ft. from the property line. A 50-foot wide scenic corridor buffer is provided along Scottsdale Rd. and a 335-foot parking lot setback is provided from 74<sup>th</sup> St.
  - g. No outdoor, school related activities would be permitted past 8 p.m.
  - h. A 10 vehicle student drop-off area is provided along the north side of the school building that will accommodate minimum required queuing of five (5) vehicles and a sidewalk connects to the main entry of the



building. (See Attachment #12)

- i. All building elevations are subject to Development Review Board approval, the buildings meet the 24-foot ESL height requirement.
- j. The applicant has submitted a circulation plan identifying the student drop-off area, as well as parking, access driveways, pedestrian and bicycle paths.

### **Community Involvement.**

The applicant held a Neighborhood Open House on April 14, 2005 to present the revised site plan and hear neighborhood comments. Neighborhood concerns related to traffic, limited reductions in building size, stormwater matters, and other design and site use issues.

Substantial opposition was received on the original site plan from neighbors who submitted about 20 letters of objection containing 27 signatures. Following community notification, 2 neighborhood open house meetings were held on March 17 and April 6, 2004 with twelve (12) and twenty-seven (27) people attending the open houses, respectively (See Attachment #10 Citizen Involvement for the specific concerns expressed). Staff has been in constant contact with one of the neighbors with regards to the proposal on a daily basis. Recent meetings have occurred with the applicant and interested neighbors regarding the proposal. Staff has also met with the neighbors and interested citizens at their home adjacent to the site. The Mayor and Councilman Wayne Ecton were present for that Staff and neighbor meeting. A petition of 500+ signatures opposing the project was submitted on September 22<sup>nd</sup>, 2004. A petition of 1,400+ signatures, including 700 Scottsdale residents, supporting the project was received on September 29, 2004.

At the time of this report, staff has received e-mails and phone calls of objection. Concerns related to the suitability of the use, site design and neighborhood impact. A revised petition dated May 1, 2005 was received with 655 signatures of persons opposed to the project is attached with this report.

### **Community Impact.**

The applicant has revised their proposal to respond to issues related to the AO Flood Zone and site access to Scottsdale Road. Modifications have resulted in a recommended traffic signal when warranted, at the site access and relocation of building eastward to address flood and stormwater issues. The proposal meets the FO and ESL development standards; worship facility and private school use permit criteria. The proposal provides an alternative education facility in Scottsdale. The site design is oriented towards Scottsdale Road and away from the residential properties to the east and southeast. The addition of a private school (Kindergarten through 8<sup>th</sup> grade) at this site will create a church and private school on 9+ acres. The site to the south has an existing church and private school for pre-school children only. The future Desert Mission Methodist Church site is located toward the north. This proposal essentially adds a private school facility and associated buildings and parking to one site along this stretch of Scottsdale Road. This proposal has been modified and required to submit updated submittal documents to mitigate impacts to the surrounding community. Along with meeting the use permit criteria; this project conforms to the zoning and overlay districts. A petition opposed to the project is also attached with this report.

**Key Concerns Expressed by Neighborhood Opposition.**

- Neighbors do not feel that the revised site plan and reductions in building size are substantial enough to resolve the land use and location issues with the site
- Neighbors objection to noise, traffic, lighting, building design, commercial nature of the school and multi-purpose/gym facility, non-school activities, impact on the desert, reduced property value and overall adverse impact on quality of life
- Neighbors are concerned that the multi-purpose/gym facility will be used by outside groups for basketball, concert and other activities
- Neighbors do not feel the private school will conform with the Foothills Overlay, General Plan, ESL Ordinance and the use permit criteria regarding public health, safety and welfare

**Policy Implications.**

The Zoning regulations allow for non-residential uses such as places of worship, neighborhood parks, schools, etc., that provide community assets and services essential to residential areas. The proposal would provide for a private school facility adjacent to an existing pre-school/private school conditional use along this stretch of Scottsdale Road. Although the Methodist church owns the property to the north, City Staff has not received any application to build any structure at this time. With any request for a conditional uses in the R1 zoning districts, each application must demonstrate that the granting of the use permit will not be materially detrimental to the public health, safety and welfare and address additional standards if required.

Any policy decisions regarding location, distance between facilities and other criteria for private school facilities and/or religious facilities are not subject to this particular application. If directed in the future, Staff can proceed with analysis that the attached private and charter school policy paper suggests as future policy questions and policy options (See Attachment #8).

This proposal will add three buildings to an existing developed site along Scottsdale Road. Staff has reviewed all applicable zoning overlay district requirements and the underlying zoning district requirements, including the use permit criteria. Staff has addressed the impacts proposed by this specific use, analyzed all policy implications and instructed the applicant to mitigate impacts through revised site plans, elevations and stipulations. The proposal meets the criteria set forth in the ordinances and policy documents. Approval of this school does not set a precedent for future conditional uses in this area.

PREVIOUS PLANNING  
COMMISSION  
HEARING SUMMARY

**Planning Commission Hearing**

The Planning Commission heard this case at the September 29, 2004 meeting. Approximately 59 citizen comment cards were received opposing the application while 54 comment cards were received in support. Concerns expressed related to traffic entering and exiting the site onto Scottsdale Road, the location of the buildings within the FEMA AO flood zone, non-conformance with the Foothills overlay and ESL ordinance, noise, lighting, dust, impact on the desert, conflicts with the character of the area, reduced property value, lack of local demand, negative impact on neighbors from large

concerts being held at the multi-purpose building, outstanding requirements of the original church case that have not been met, the scale and design of proposed buildings, and the cumulative effect of multiple church and school facilities in the vicinity. Supporters indicated that the proposal conforms with the private/charter schools use permit criteria, a local need exists since similar schools do not exist in this area, the school is an appropriate use in proximity to residential areas, schools and some other non-residential uses are appropriate in the Foothills Character area, and that efforts have been undertaken to make the site design acceptable and “neighborhood friendly” at this location.

With respect to drainage issues, the Commission inquired how the AO flood zone would impact the proposed buildings. Staff indicated that flow depths on the site from sheet flow are from about 6 inches to 2 feet and buildings are either raised above that level or are flood proofed. The Commission inquired about the distinction between the 79 CFS wash on the site and the potential 3,500 CFS flows associated with the AO flood zone. Staff indicated the AO Zone is not a floodplain but a potential sheet flow event that affects this and other properties in this area.

With respect to traffic impacts, the Commission inquired about the traffic report and left turn movements out of the site. Staff indicated the traffic report demonstrated that sufficient capacity exists along Scottsdale Road to accommodate the school use, which would add about 2.5% to the present daily traffic volume. Also, left turns from the site would experience delays, but existing traffic signals along Scottsdale Road would create breaks in traffic permitting the left turns.

With respect to the private school, the Commission inquired about the relatively large size of the multi-purpose facility and classroom building, which seems extensive for the use of only 200 students. The applicant replied that the multi-purpose facility was large enough to include a 108 by 90 foot basketball court, similar to other school gymnasiums. Also, “outside” concerts or presentations would be limited to about 12 times a year. The school building is designed permit use by Sunday School classes on weekends, and the associated separate storage areas for each. (See Planning Commission Meeting minutes on Attachment #13)

**Planning Commission Recommendation:**

At the Planning Commission meeting of September 29, 2004, the Commission recommended denial, with a vote of 6-1. The applicant has revised the site plan to attempt to address the concerns that were raised at that meeting and is now requesting reconsideration of the case by the Planning Commission.

**Recommended Approach:**

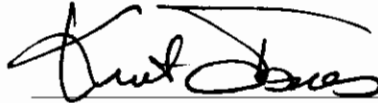
Expansion of the church without development of a school could occur and without the need for a use permit. This would result in increased traffic to and from the site. Changes have been made to the site plan in an effort to address issues raised at the previous Planning Commission meeting. The Staff recommends approval, subject to the attached stipulations.

RESPONSIBLE	<b>Planning and Development Services Department</b>
DEPT(S)	Current Planning Services
STAFF CONTACT(S)	Al Ward Senior Planner 480-312-7067 E-mail: <a href="mailto:award@ScottsdaleAZ.gov">award@ScottsdaleAZ.gov</a>

**APPROVED BY**



Al Ward  
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Director, Current Planning

**ATTACHMENTS**

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Additional Information
7. Traffic Impact Summary
8. Private and Charter Schools Policy
9. F-O, ESL and Desert Foothills Design Guidelines Conformity Report
10. Citizen Involvement
11. City Notification Map
12. Site Plan
13. September 29, 2004 Planning Commission Minutes

## **PROJECT NARRATIVE**

### **7-UP-2004**

The SonRise Community Church has been offering religious services on its property at 29505 N. Scottsdale Road since April, 2000. The Church always envisioned providing a school on the property to broaden the range of religious services that it offers. The request in the above-referenced case is for use permit approval for a non-profit Christian school including pre-school through eighth grade with a maximum of 200 students on the Church's ten (10) +/- acre R1-70 property. There will be no high school on the site now or in the future.

Both the Church and the school are non-profit entities. The school will be operated by the Church under the direction of a board comprised of Church members. No profits will accrue to either the Church or the school; the only fees to be charged for the school will be those required for teacher salaries and on-going operational and maintenance expenses, including supplies and the miscellaneous costs of running the school.

#### **Site Plan**

The site plan originally submitted has been revised in response to concerns expressed by neighbors in the area. The classrooms, playground area and other school facilities have been moved closer to the Scottsdale Road frontage in order to contain school activities in as compact a space as possible and to minimize any impact on the only residence that is adjacent to the Church property. An NAOS area of almost two acres has been provided on the eastern end of the Church property next to 74<sup>th</sup> Street. This NAOS non-development area has been located immediately north of the only adjacent neighbor who fronts onto 74<sup>th</sup> Street in order to avoid impacts on that home.

The proposed school facilities include 10 classrooms plus a library, offices, cafeteria and multi-purpose assembly/gymnasium facility. This multi-purpose facility is designed to accommodate church meetings, indoor recreational activities, small scale church-related concerts, and theatrical productions, as well as other similar activities that are part of the religious programs offered by the Church. The multi-purpose assembly/gymnasium facility now includes ancillary uses that have been consolidated into this building, such as the cafeteria (966 s.f.) and office areas (180 s.f.) that were not included within this facility on the first site plan. Therefore, although the square footage of this building has increased, the actual multi-purpose assembly/gymnasium (15,854 s.f.) area itself has not increased. The school classroom building is 11,000 s.f.; the office building is 5,000 s.f., and the multi-purpose assembly/gymnasium building is 17,000 s.f., which includes the cafeteria, lobby and office space. Building height is limited to 24 feet in compliance with the Foothills Overlay (FO).

### **Ordinance Compliance**

The proposed non-profit religious school meets all Zoning Ordinance requirements. The building site far exceeds the required 86,000 square foot minimum lot size; the Floor Area Ratio (F.A.R.) is only .12, less than the .2 that is allowed. There are no outside speaker systems or bells. NAOS and open space has been provided far in excess of Ordinance requirements with over 50% of the site open space. To address neighbor concern over any potential parking on the streets, a total of 291 parking spaces are provided in excess of Ordinance requirements. The proposed school use meets all setback, screening and landscaping requirements. All lighting has been designed to be primarily the low-level variety to minimize impacts and fully complies with the Ordinance. Outdoor lights shall be turned off by 10:00 p.m., other than security lighting. The required masonry walls and/or landscape screen are provided on the side and rear property lines adjacent to residential districts. The school fronts on Scottsdale Road, which is a major arterial, and thus the location satisfies the requirement that the facility front on a minor collector or greater street classification. All access will be provided on the Scottsdale Road frontage, and there will be no access to 74<sup>th</sup> Street. The drop-off area accommodates a minimum of five (5) cars at a time as required, and the internal circulation layout has been designed to avoid conflicts between the student drop-off area, parking, access driveways and any pedestrian and bicycle paths on the site.

School hours of operation will be in compliance with the Ordinance with no outdoor school activities after 8:00 p.m. All proposed playgrounds or outdoor activity areas are set back greater than 50 feet from any R-1 District property line. All playgrounds and outdoor activity areas are also screened from any residential district by either buildings or screen walls and/or landscape screening. The building design will be compatible with the existing worship center and the surrounding residential neighborhood.

### **School Operation**

The school will be operated during regular weekday school hours. It is anticipated that there will be church-sponsored recreational activities, small scale religious concerts or theatrical productions, as well as church member meetings in the multi-purpose assembly room/gymnasium facility in addition to school-related activities. It is anticipated that this facility could be made available for other church or community groups just as the worship center is occasionally made available for such uses. For example, SonRise Community Church or another church in the area may wish to use the facility for a meeting of the leaders of several churches, or for a program to which members of other churches might be invited. Occasional use of the facility for organized school recreational activities, such as school-related youth league play or tournaments, would be limited to 8:00 p.m., as are all school activities. This facility will not be rented out for profit, but rather fees would be charged only to cover expenses for the use of the facility, including utilities, maintenance, etc.

### **Use Permit Criteria**

A Traffic Impact Mitigation Analysis (TIMA) has been required, and the student population limited to a maximum of 200 students based upon the preliminary TIMA analysis. The TIMA report establishes that there is no impact on surrounding areas resulting from an unusual volume or character of traffic associated with the school use and that school traffic is easily accommodated within the capacity of existing streets. Shared access on Scottsdale Road with the church property to the north is being provided for alignment of access with Morning Vista, as required by City standards.

The outdoor school activities have been located adjacent to Scottsdale Road, which has a very high ambient noise level, and are well-screened and buffered. There is, therefore, no damage or nuisance arising from noise. Because of the sensitive, low level, minimal lighting provided and its full compliance with the Ordinance, there is no damage or nuisance created by illumination. All circulation and playground areas are either paved or landscaped, which eliminates damage or nuisance from dust. There is no smoke or vibration associated with this use.

Church and school uses occur and are allowed in the surrounding areas, and the characteristics of the school use proposed in this use permit request is reasonably compatible with those uses existing in the area. As has been referenced above, all additional conditions specified in Section 1.403 as applicable to private schools have been fully satisfied. The thoughtful and fully buffered location of school facilities and the limitation of access only on Scottsdale Road assures that the granting of this Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. Churches and schools, when appropriately located in compliance with all Ordinance requirements, are community and neighborhood assets because of the services they provide.



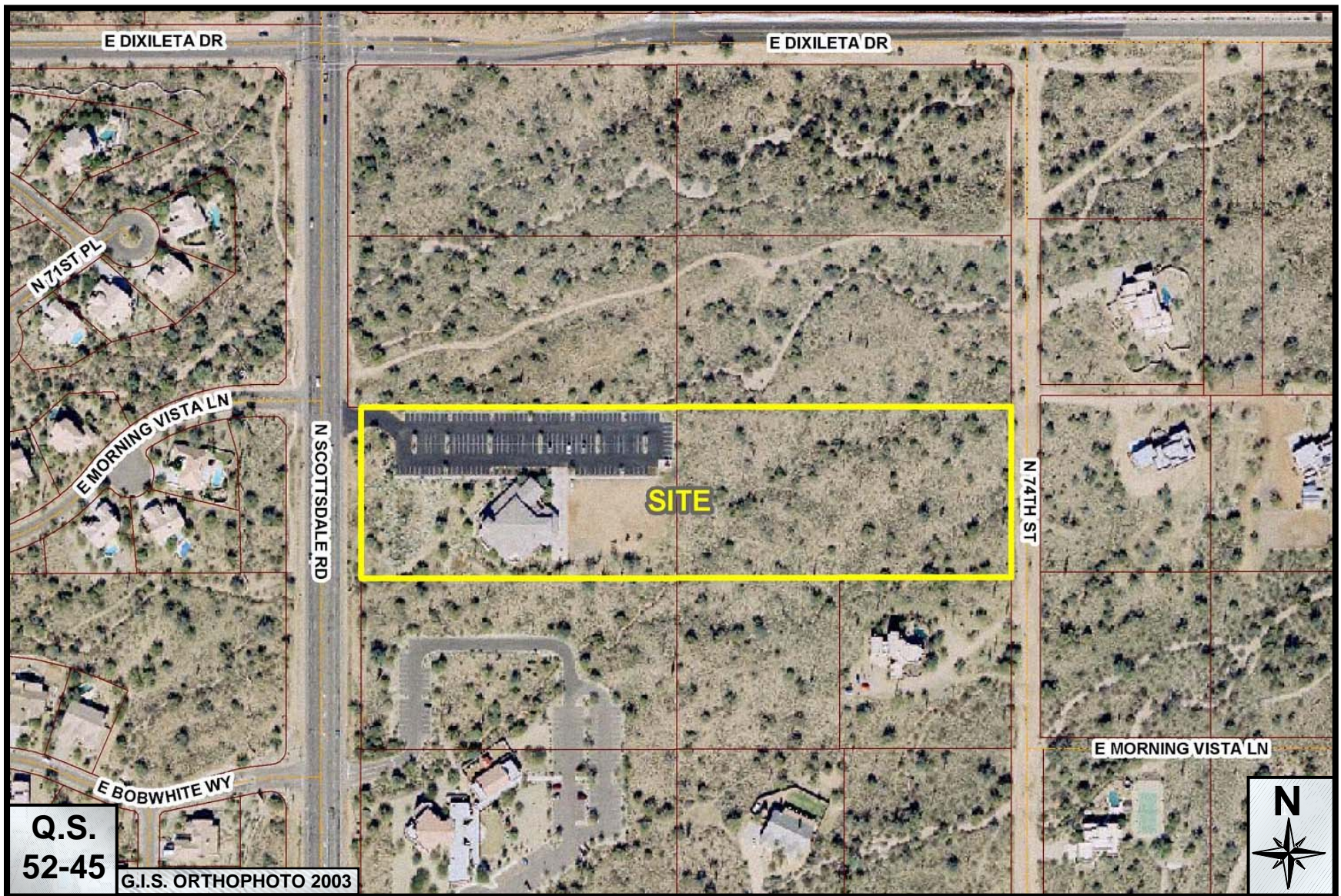


Sonrise Covenant Church

7-UP-2004

ATTACHMENT #2



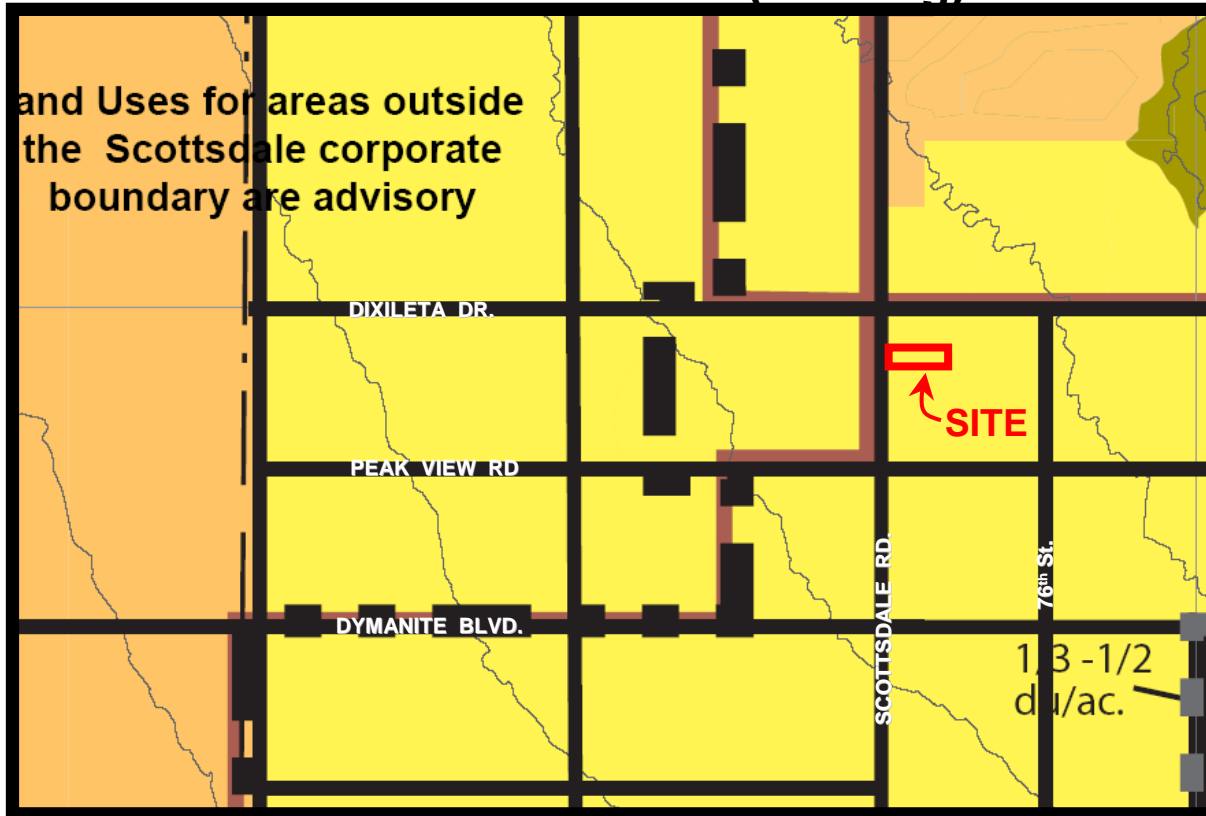


Sonrise Covenant Church

7-UP-2004

ATTACHMENT #2A

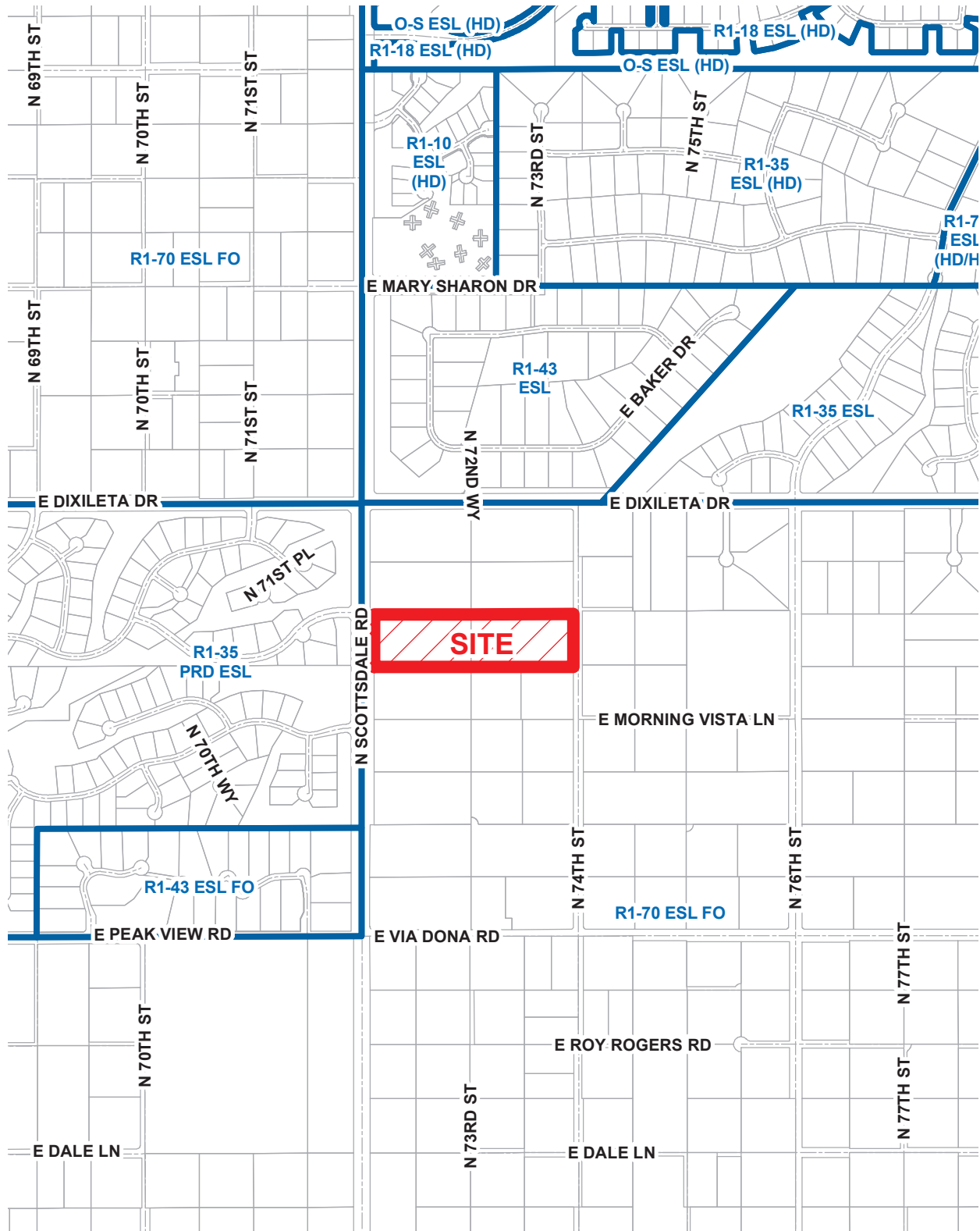
# General Plan (Existing)



**7-UP-2004**  
ATTACHMENT #3

Adopted by City Council October 30, 2001  
Ratified by Scottsdale voters March 12, 2002  
revised to show McDowell Sonoran Preserve as of August 2003  
Revised to reflect Case 4-GP-2002, adopted by City Council October 29, 2002





# 7-UP-2004

ATTACHMENT #4

## **STIPULATIONS FOR CASE 7-UP-2004**

### **PLANNING/ DEVELOPMENT**

1. **CONFORMANCE TO DEVELOPMENT SUBMITTAL.** Development shall conform to the site plan submitted by Dale Miller Architects and dated May 18, 2005 by City staff. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **LIMITED ENROLLMENT.** A maximum of two hundred (200) elementary school (pre-school through eighth grade) students shall be enrolled at the school at any one time. Enrollment shall be verified to the City upon request to ensure compliance. If enrollment of additional students is desired, the applicant shall return for subsequent public hearings before the Planning Commission and City Council.
3. **HOURS OF OPERATION.** Normal school operations shall be conducted between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday.
4. **MULTI-PURPOSE FACILITY.** Use of the multi-purpose facility shall be restricted to church or school members during normal school hours of operations.
5. **BUILDING HEIGHT.** All new buildings and additions constructed after the City Council approval date of Case # 7-UP-2004 shall not exceed 24 feet in height, measured from natural grade.
6. **LOCATION OF NAOS.** With the application for the Land Assemblage, the developer shall dedicate NAOS in areas consistent with the NAOS areas shown on the Site Plan submitted by Dale Miller Architects and dated May 18, 2005 by City Staff. The dedicated NAOS shall be permanently preserved and act as a buffer to the immediate residences.
7. **PHOTOMETRICS.** With the Development Review Board submittal, the applicant shall supply computer-simulated renderings, to the satisfaction of City Staff, of the proposed site lighting, for both pre- and post-curfew conditions.
8. **LIGHTING.** With the Development Review Board submittal, the applicant shall provide to the satisfaction of the City Staff, documentation that the following conditions have been met:
  - a. All exterior luminaries shall meet all IESNA requirements for full cutoff, and shall be aimed downward except for incandescent sign lighting.
  - b. The individual luminaire lamp shall not exceed 250 watts.
  - c. All exterior light poles, pole fixtures, and yokes, including bollards (when utilized) shall be a flat black or dark bronze finish. Pole bases shall be a brushed finish, integrally colored or painted to the satisfaction of City staff.
  - d. Pole mounted lighting shall not exceed sixteen (16) feet in height measured from finished grade to fixture lens.
  - e. No lighting shall be permitted in dedicated NAOS easements.
  - f. The maintained average horizontal illuminance level, at grade across the site, shall not exceed 1.5 foot-candles.
  - g. The maintained maximum horizontal illuminance level, at grade on the site, shall not exceed 6.0 foot-candles. All exterior luminaries shall be included in this calculation.
  - h. The initial vertical illuminance at 6.0 foot above grade, along the entire property line (or 1 foot outside of any block wall exceeding 5 foot in height) shall not exceed 0.3 foot-candles. All exterior luminaries shall be included in this calculation.
  - i. Site lighting shall be provided in two (2) tiers, with Tier 1 being for use of the worship

center building only, and Tier 2 being for the additional use of the School/Family life center. Tier 2 lighting shall only be in operation when the School/Family life center is in use. Tier 1 lighting may operate when Tier 2 lighting is in operation.

- j. Tier 1 and 2 lighting shall be controlled separately and shall only be turned on when the Worship Center or School/Family life center are in actual use.
  - k. That applicant shall provide 3 different photometric plans for the site, the first shall be pre-curfew with Tier 1 and 2 combined lighting operation, the second shall be pre-curfew Tier 1 operation only, the third shall be post curfew showing all night security lighting only.
  - l. Each lighting plan shall include maintained horizontal at-grade footcandles for the entire site, maintained horizontal at-grade footcandles for the parking lot only, and initial vertical footcandles measured at 6 feet above grade around the entire property line.
  - m. The applicant shall provide complete specifications for the automatic timing control devices that will be controlling the two separate tiers of lighting.
  - n. All non-security lighting, including all parking lot pole lighting, with the exception of one pole light located near the entry drive, shall be turned off no later than 10:00 p.m.
10. LIGHTING AND PHOTOMETRIC PLANS. Site lighting and photometric plans shall generally be as submitted by Dale Miller Architecture and dated April 2005.
11. LAND ASSEMBLAGE. Prior to Design Review approval the applicant shall process a Land Assemblage Application.
12. RELEASE THE NAOS EASEMENT. Prior to the approval of the Land Assemblage Application the applicant shall process an application to Release the existing NAOS easement.

## CIRCULATION

1. ACCESS RESTRICTIONS. Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):
  - a. Scottsdale Road – Direct site access shall only be allowed from Scottsdale Road. There shall be a single site driveway from Scottsdale Road except for an emergency vehicle access, which shall be a joint driveway along the north property line being shared with the property to the north. The developer shall dedicate a one-foot wide vehicular non-access easement on Scottsdale Road along the site frontage except at the approved driveway locations.
    - (1). Northern Driveway - The northern site driveway (existing) shall be reconstructed to align with Morning Vista Drive on the west side of Scottsdale Road. The developer shall obtain the necessary easements to realign the driveway.
    - (2). Emergency Vehicle Access Driveway – An emergency vehicle access only, shall be provided and shown on the site plan and be gated and restricted to emergency vehicles only.

The design of driveways shall be approved by the Transportation Department and Fire Department for the emergency vehicle access, prior to Development Review Board submittal.
  - b. 74<sup>th</sup> Street – Direct site access from 74<sup>th</sup> Street shall be prohibited. The developer shall dedicate a one-foot wide vehicular non-access easement on this street along the site frontage.
2. AUXILIARY LANE CONSTRUCTION. Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct a right-turn deceleration lane at the site's main entrance on Scottsdale Road, in

conformance with the Design Standards and Policies Manual.

- a. The developer shall construct a right turn deceleration lane at the north site driveway and provide at least 125 feet of vehicle storage lane.
3. CROSS ACCESS EASEMENT FOR DRIVEWAYS. Before the Development Review Board approval, the developer shall dedicate and record a cross access easement over the northern driveway on Scottsdale Road. The easements shall be a minimum width of 30 feet and extend into the site for a minimum distance of 150 feet. In addition, the developer shall obtain a similar sized cross access easement from the adjoining Desert Mission Methodist Church property to the north.
4. PUBLIC ACCESS EASEMENTS. Before any certificate of occupancy is issued for the new structures on the site, the developer shall dedicate a minimum 7.5-foot wide public access easement along the northern property line from Scottsdale Road to 74<sup>th</sup> Street, and shall dedicate a 50 foot wide public trail easement over the scenic corridor along Scottsdale Road. The alignment of the public access easement along the northern property line shall be subject to approval by the City's Trails Planner prior to dedication. The easements shall be shown on Development Review Board site plan submittal.
5. TRAFFIC SIGNAL PARTICIPATION. Before any building permit for the site is issued, the developer shall pay to the city 50% of the design and construction costs, as determined by city staff, for the future installation of a traffic signal at the intersection of the site driveway/Morning Vista Drive and Scottsdale Road.
6. TRAFFIC SIGNAL CONTROL EASEMENT. Before any final plan approval, the developer shall dedicate a traffic control easement over the southeast corner of the site driveway and Scottsdale Road intersection in a form acceptable to city staff. The easement shall be located to provide access for construction and maintenance of traffic control equipment, including loop detectors on the site driveway.

#### DRAINAGE AND FLOOD CONTROL

1. CONCEPTUAL DRAINAGE REPORT. The City of Scottsdale has approved in concept the Drainage Report for Sunrise Covenant Church, prepared by JMI & Associates, dated February 2, 2005. With the Development Review Board submittal, the developer shall submit this conceptual drainage report and plan as part of the technical submittal. The conceptual report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
  - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of ALL washes that exit the property.
  - b. Determine easement dimensions necessary to accommodate design discharges.
  - c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage of runoff from the 100-year 2-hour storm.
  - d. Include a complete description of requirements relating to project phasing.
  - e. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code. Per the City of Scottsdale Drainage Design and Standards and Policies (sec. 37-42(7)b), for any portion of a building in the Zone AO, the lowest floor of a new non –residential structure must be constructed at or floodproofed to an elevation above adjacent grade by an amount equal to or greater than the depth number shown on the FIRM (in this case 1 foot). Also, include modeling and calculations to assure

that the sheet flow area will not increase either the depth or extent of the flooding on adjacent lands.

4. STORM WATER STORAGE EASEMENTS. With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
5. DRAINAGE EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.



## **ADDITIONAL INFORMATION FOR CASE 7-UP-2004**

### **PLANNING**

1. **DEVELOPMENT CONTINGENCIES.** The approved development program may be changed due to drainage issues, topography, NAOS requirements, and other site planning concerns, which will need to be resolved at the time of Development Review Board approval. Appropriate design solutions to these constraints may preclude achievement of the proposed development program.
2. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
  - a. A plan indicating the treatment of retention basins,
  - b. The type, height and intensity of proposed lighting and the tiers, timing of lighting to minimize impact on adjacent uses,
  - c. The style, height, massing color and appearance of all proposed buildings,
  - d. Landscape, buffers and berms on the site,
  - e. Location and configuration of NAOS areas,
  - f. Major stormwater management systems, and design of drainage basins
  - g. Parking lot walls adjacent to the Scenic Corridors and NAOS tracts,
  - h. Fencing and design of student playground area
  - i. Design of any other structures including ramadas and shade canopies and structures.

### **ENGINEERING**

1. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
2. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
3. **CITY CONTROL OF ACCESS.** The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.
4. **TRAIL EASEMENT DEDICATIONS.** Before issuance of certificate of occupancy, the developer shall dedicate a Public Trail Easement corresponding to the Scenic Corridor along the site's Scottsdale Road frontage, and along the north boundary of the site, to the satisfaction of the City's Trails Planner. The trail along the north boundary of the site shall not be constructed at this time, but only at such future date as required by the City's Trails Planner.
5. **ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS.** All construction activities that disturb one or more acres shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available

in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site <http://www.epa.gov/region9>.]

- a. The developer shall:
  - b. Submit a completed Notice of Intent (NOI) to the EPA.
  - c. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) with the improvement plan submittal to the Development Quality/Compliance Division.
6. NOTICE OF INTENT (NOI). With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a copy of the NOI.
  7. SECTION 404 PERMITS. With the improvement plan submittal to the Project Quality/Compliance Division, the developer's engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]
  8. DUST CONTROL PERMITS. Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.
  9. UTILITY CONFLICT COORDINATION. With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.
  10. CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR LETTER OF ACCEPTANCE. Before the issuance of a Certificate of Occupancy and/or a Letter of Acceptance:
  11. The Inspecting Engineer shall seal, sign and date the Certificate of Compliance form.
  12. The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer.
  13. AS-BUILT PLANS. City staff may at any time request the developer to submit As-built plans to the Inspection Services Division. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins and underground storm water storage tanks, bridges as determined by city staff.

**TRAFFIC IMPACT ANALYSIS SUMMARY**  
**SonRise Covenant Church Expansion**  
**7-UP-2004/447-PA-2002**

**Summary Prepared by Phillip Kercher, COS Traffic Engineering**  
**Traffic Impact Study Prepared by Paul Basha and Kelly Fletcher, Morrison Maierle**

**Existing Conditions:**

The City of Scottsdale has received an application for a Use Permit to allow a private elementary school associated with the expansion of an existing church facility. The site is located on the east side of Scottsdale Road south of Dixileta Drive. The parcel is currently zoned Residential (R1-70). There is an existing church worship center with 190 parking spaces on the project site.

There is also an existing church, the Desert Foothills Lutheran Church, on the two parcels directly south of the site. The two parcels to the north, extending to Dixileta Drive, are currently undeveloped; however, they are owned by the Desert Mission United Methodist Church and it is anticipated that this property will be developed as a church as well. The land use along the west side of Scottsdale Road is single-family residential, developed as the Carriage Trails subdivision.

Scottsdale Road is classified as a Regional System street on the Community Mobility Element of the city's General Plan. It is classified as a major arterial on the city of Scottsdale's Streets Master Plan. In the vicinity of the site, Scottsdale Road currently has two lanes in each direction with a center painted two-way left turn lane. The cross section includes bike lanes in both directions. The 2005 average daily traffic volume on the section of Scottsdale Road adjacent to the site is 29,540 vehicles. The design capacity of the four-lane facility is 25,000 to 35,000 vehicles per day. The posted speed limit on Scottsdale Road in the vicinity of the site is 55-MPH. The daily volume on Scottsdale Road just south of Dixileta Drive is 28,173; north of Dixileta Drive the daily volume is 31,470.

Dixileta Drive is classified as a Neighborhood System street on the Community Mobility Element of the city's General Plan. It is classified as a minor collector on the City of Scottsdale Streets Master Plan. The street extends from the Tatum Boulevard in the city of Phoenix into Scottsdale and terminates at Pima Road. Dixileta Drive currently has one lane in each direction with left turn lanes at major intersections. The 2005 average daily traffic volume on Dixileta Drive east of Scottsdale Road was 2,822 vehicles; west of Scottsdale Road the daily volume is 5,074. The posted speed limit on Dixileta Drive is 40-MPH east of Scottsdale Road and 45-MPH west of Scottsdale Road.

The intersection of Scottsdale Road & Dixileta Drive is signalized. There are separate left turn lanes for all approaches. The existing church driveway is located on Scottsdale Road approximately 695 feet south of Dixileta Drive. The driveway has a 30-foot offset from the existing Morning Vista Lane intersection to the west.

**Collision Summary**

Traffic collision data was reviewed from the year 2002 through 2004 for Scottsdale Road and the intersections of Dixileta Drive, Morning Vista Drive, and Bobwhite Way. During 2002 the section of Scottsdale Road from Dynamite Boulevard to Lone Mountain Road had a segment accident rate of 0.37 collisions per million vehicle miles. The citywide

average segment collision rate for 2002 was 1.49 collisions per million vehicle miles. There were two segment collisions on Scottsdale Road south of Dixileta Drive during the three-year period from 2002 through 2004.

During this time period there were 17 collisions at the intersection of Scottsdale Road & Dixileta Drive – 5 in 2002, 3 in 2003, 9 in 2004. The collision rate at the intersection was 0.51 collisions per million vehicles entering the intersection for 2002, 0.31 for 2003, and 0.80 for 2004. The citywide average intersection accident rate was 0.54 for 2002. Eight of the intersection collisions were left turn collisions, three were rear-end collisions, and two were angle collisions. There was one of each of the following types of collisions: backing, non-contact, side-swipe, and pedestrian.

There were no intersection collisions at the intersections of Scottsdale Road & Bobwhite Way or Scottsdale Road & Morning Vista Drive during the three-year period reviewed.

**Proposed Development:**

On the project site, there is an existing 12,633 square foot church building with a sanctuary, classroom space, and church offices and an existing paved parking lot with 190 parking spaces. The church is currently proposing to construct a new 14,200 square foot multi-purpose/gymnasium facility, a new 9,390 square foot private elementary school building for 200 students, and a 2,760 square foot office. A small maintenance building is also proposed on the site. The paved parking lot will be expanded to total 264 parking spaces.

The multi-purpose/gymnasium facility and office addition of the proposed expansion can be constructed under existing zoning, but a use permit is required for the private elementary school portion of the proposed expansion. The facilities for all three of these uses are proposed to be developed concurrently with the approval of this use permit. The Trip Generation Table below summarizes the trips that would be generated by the church expansion and school addition. The church expansion includes the proposed additional office space that may be utilized by the church or school. The school addition includes the proposed classroom space to be used for a private elementary school and the proposed multi-purpose/gymnasium building. It is assumed that the private elementary school will utilize the facilities of the multi-purpose/gymnasium during school hours, so the multi-purpose/gymnasium component is included as part of the peak hour traffic generated by the private elementary school in the table below.

**WEEKDAY TRIP GENERATION TABLE**

Land Uses	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<b>Church Facility Expansion</b> 2,760 sq ft	129	5	5	10	5	5	10
<b>Private Elementary School</b> 200 students+15 staff	600	165	153	318	117	121	238
<b>Total</b>	<b>729</b>	<b>170</b>	<b>158</b>	<b>328</b>	<b>122</b>	<b>126</b>	<b>248</b>

**SUNDAY TRIP GENERATION TABLE**

Land Use	Daily Total	Peak Hour		
		In	Out	Total
<b>Church Facility Expansion</b> 2,760 sq ft	520	83	84	167
<b>Private Elementary School</b> 200 students+15 staff	0	0	0	0
<b>Total</b>	<b>520</b>	<b>83</b>	<b>84</b>	<b>167</b>

The a.m. peak hour represents the hourly volume between 8 a.m. and 9 a.m. The p.m. peak hour represents the hourly volume between 3 p.m. and 4 p.m. The Sunday peak hour represents the hourly volume between 11 a.m. and 12 p.m. These peak hours reflect the highest traffic volume periods observed on Scottsdale Road in the vicinity of the site and correspond to typical peak hours for schools and churches. The Trip Generation Table above shows that if the site is developed with the existing worship center and proposed classroom space it will generate an estimated 729 trips per day.

A traffic impact study was prepared for the development proposal by Morrison Maierle, Inc., under contract to the City of Scottsdale. The traffic study was based on updated traffic counts (year 2005) along Scottsdale Road and Dixileta Drive and a revised site plan for the development. A traffic study for the development proposal was previously prepared by Kirkham Michael Consulting Engineers in 2003, and then updated in 2004. Morrison Maierle was tasked to prepare a new study rather than update the previous traffic analyses, and to address the concerns about safety that were brought up by the area residents and the Planning Commission members.

#### **Site Access:**

The SonRise Covenant Church site currently has one driveway access to Scottsdale Road near the north property line. This driveway is offset 30 feet from the local residential street on the west side of Scottsdale Road, Morning Vista Drive.

Cross access is anticipated for the SonRise Covenant Church with the property to the north (anticipated to be a Methodist church when developed). This would allow the existing driveway to be relocated to align with Morning Vista Drive on the west side of Scottsdale Road. A cross access easement has been stipulated over this driveway for

SonRise Covenant Church, and will be required for any development of the parcel to the north. This shared access will allow both properties to have access to a potential median opening in the future when Scottsdale Road is improved with a raised median.

**On-Site Circulation:**

On-site circulation was reviewed to evaluate school drop off and pick up activities. There is adequate room on site to accommodate vehicle queuing and parking for the school.

**Future Conditions:**

The traffic study prepared by Morrison Maierle analyzed the existing 2005 traffic conditions and the future 2010 traffic conditions. The 2010 conditions were based on projected traffic volumes and the estimated traffic generated by the proposed project. Traffic from the existing church facility has been counted and is included in the background traffic volumes. Capacity calculations were analyzed for the major intersections in the vicinity of the site. Capacity calculations for signalized intersections reflect the performance of the intersection by approach. Capacity calculations for stop-controlled intersections are evaluated for each stop controlled approach to the intersection. The overall Level of Service (LOS) for the intersection is reported as the poorest LOS from the approaches. In addition to the 2010 analysis, daily traffic volumes were estimated for the 2015 conditions.

Future traffic volumes for both Scottsdale Road and Dixileta Drive were determined using an annual traffic volume increase of 17 percent. This value was determined by reviewing traffic volume data for Scottsdale Road and all city of Scottsdale streets north of the Central Arizona Project Canal for the period of 1992 to 2002.

The study examined several different traffic condition scenarios, with varying access proposals and potential development of the adjacent property to the north, currently owned by Desert Mission United Methodist Church. The most conservative scenario assumes the expansion of the SonRise Church with the proposed school and development of the Desert Mission property as a church and school as well.

The signalized intersection of Scottsdale Road & Dixileta Drive currently operates at an acceptable level of service. All movements at the intersection operate at LOS C or better in the morning and evening peak hours. For the horizon year 2010, the intersection will continue to operate at an acceptable level of service, with the addition of the school traffic and development of the adjacent property as a church and school. All movements at the intersection will operate at LOS D or better in the morning and evening peak hours.

The analyses from the various development scenarios indicate that the unsignalized intersection of the SonRise driveway/Morning Vista will experience significant delay. During the horizon year 2010 for all scenarios with the addition of the private school traffic, left turns from the site will operate at LOS F. The poor level of service is a function of the site driveway/Morning Vista being an uncontrolled intersection (lack of a traffic signal or stop sign on Scottsdale Road at the driveway), and the lack of sufficient gaps in the Scottsdale Road peak hour traffic. This is typical for a stop-controlled driveway on a major arterial street during peak hours. The study recommends installing a traffic signal at this intersection with development of the property to the north. Preliminary analysis indicates that the traffic signal will be warranted with the additional traffic that will be generated by the SonRise Church and school combined with the

Desert Mission Church traffic or similar development. Staff will monitor the intersection to determine if and when the traffic signal warrants are met. The traffic signal is recommended to provide controlled access for both the church properties on the east side of the street and the residential subdivision on the west side of the street, while minimizing the number of intersections along Scottsdale Road and the associated conflict points that result.

The study also recommends providing access for the SonRise Church and School to Dixileta Drive through the property to the north. This will provide an alternative access route for the church and school traffic, reducing the amount of traffic that would utilize the site driveway on Scottsdale Road, which will minimize the disruption to through traffic on Scottsdale Road.

With the assumed 17 percent annual growth in traffic volumes on Scottsdale Road, the 2010 daily traffic volume will exceed 52,000 vehicles. This volume will exceed the capacity of the current four lane cross section.

The study recommends reducing the current speed limit on this section of Scottsdale Road. Consideration should be given the land uses that are existing and proposed, which have high traffic peaking characteristics. A reduced speed limit would be more conducive to providing side street access. A complete speed limit study is needed to make this determination.

The study reviewed the need to install left turn arrows at the signalized intersection of Scottsdale Road and Dixileta Drive. The current volumes do not meet the City of Scottsdale criteria. Due to the high percentage of left turn accidents at the intersection, the study recommends that the City continue to monitor the intersection as traffic volumes increase.

**Additional Information:**

The section of Scottsdale Road adjacent to this site is included as a project in the Maricopa County Regional Transportation Plan. With the approval of tax for transportation project funding in November of 2004, this project will receive funding in the year 2016.

As part of the traffic analysis for the proposed development, staff analyzed the intersection of Pima Road and Dixileta Drive for consideration of installing a traffic signal. The intersection does not meet any of the traffic signal warrants.

**Summary:**

The approval of the use permit for the proposed private elementary school will result in 729 trips generated per day to and from the project site. The additional daily 729 trips on Scottsdale Road represents an approximate 2.5 percent increase of existing traffic volumes.

With the addition of the proposed school traffic, all movements at the site driveway/Morning Vista Lane and Scottsdale Road intersection other than right turns will operate at poor levels of service. Left turns and through movements out of the site will experience significant delay if the site only has uncontrolled access on an arterial street, Scottsdale Road. This is typical for a stop-controlled driveway on an arterial street during peak hours. The traffic study prepared for the development proposal

recommends the installation of a traffic signal at this intersection with the development of the property to the north. This traffic signal will provide controlled access for both the church properties on the east side of the street and the residential subdivision on the west side of the street, while minimizing the number of intersections along Scottsdale Road and the associated conflict points that result.

For the horizon year 2010, the signalized intersection of Scottsdale Road and Dixileta Drive will continue to operate at an acceptable level of service, with the addition of the school traffic and development of the adjacent property as a church and school. All movements at the intersection will operate at LOS D or better in the morning and evening peak hours.

The study also identifies other ways that traffic impacts can be mitigated:

- The City could require cross access through the adjacent property to the north to provide access from the SonRise Church and School to Dixileta Drive. This will provide alternate access, reducing the impact of site traffic on the Scottsdale Road traffic.
- The City could consider lowering the existing 55 mph speed limit along this section of Scottsdale Road.
- The City could continue to monitor the traffic volumes at the signalized intersection of Scottsdale Road and Dixileta Drive to see if left turn arrows are warranted.

Staff supports the recommendation to require cross access to Dixileta Drive. Staff will evaluate the current speed limit on Scottsdale Road and will continue to monitor the Dixileta Drive intersection to determine when left turn arrows are warranted.

#### **Comments/Concerns:**

- There is an existing concern expressed by area residents regarding the difficulty of entering and exiting Scottsdale Road from the residential streets south of Dixileta Drive ([Morning Vista Lane and Bobwhite Way](#)) due to the high travel speeds and volumes. [The addition of school traffic on the east side of the street will make these movements more difficult. Installing a traffic signal at the site driveway/Morning Vista Lane intersection will improve these movements.](#)
- Staggering the school start times for different grades in the school will help mitigate the traffic impacts of the school drop-off and pick-up activity.
- A cross access easement should be required at the northern property line (previously stipulated) to allow the driveway to align with Morning Vista Drive. This will also help to limit the possible number of driveways on Scottsdale Road, and provide potential left-turn access for both this parcel and the parcel to the north when Scottsdale Road is improved with a raised median.
- A right turn deceleration lane should be required at the driveway for the site.



August 13, 2004

To: Planning Commission Members

Fr: Randy Grant, Chief Planning Officer

Re: Private and Charter Schools

A request for a private school has been submitted and is scheduled for hearing at the September 1, 2004, Planning Commission meeting. Citizen comments received by staff regarding this application have generated discussions about how and where private and charter schools should be located throughout the community. The specific application on file will be reviewed and evaluated per the existing ordinance and city policies, but if there is interest in amending ordinances and policies and applying those changes to future private and charter school requests, the broader policy issues must be addressed.

**Concerns expressed by citizens**

- A. Zoning overlays and the General Plan's role with regards to private and charter school uses.
- B. Schools are not a residential use, should be located in commercial areas and restricted in low density residential districts
- C. Churches with schools can become concentrated together, compounding impacts
- D. School enrollment will increase in the future
- E. Churches may allow use of facilities by non-members, leading to even more traffic and on-site activities
- F. Additional traffic and congestion will be generated
- G. There will be a parking shortage, particularly for special events in evenings or on weekends
- H. Noise from outdoor activities, playgrounds, special events
- I. Outdoor lighting will cause glare on other properties
- J. Activities will extend to early morning and evening hours
- K. There will be a negative effect on the character of the area, lifestyle
- L. Drainage and other site-specific conditions

**General Plan and Overlay Zone Issues**

From a General Plan standpoint, the Land Use Element and other elements is a statement of goals and policies that work as the primary tool for guiding the future development of the city. It is an expression of our collective vision and direction for the future of Scottsdale and how we want future growth and the character of the community to occur over the next 10-20 years. Twelve "Elements" or sections of the General Plan contain the city's policies on character and design, land use, open spaces and the natural environment, business and economics, community services, neighborhood vitality, housing, transportation, growth issues, human services, protection of desert and mountain lands, economic vitality, and the character of neighborhoods.

The policies in the General Plan are implemented and detailed through ordinances and ongoing formal procedures of the city, such as the Zoning Ordinance, Subdivision Ordinance, and Design Guidelines. Therefore, the existing, approved general plan states overall vision statements while the underlying zoning districts dictate the uses allowed.

### Foothills Overlay

The Foothills Overlay, adopted February 2001, states in its purpose section, that the district... ”provides a means to recognize and further preserve the rural desert character in the low density lands...generally not within subdivisions...to which the F-O overlay has been applied by defining additional standards that help define the area’s unique character...” There are then six (6) purpose statements that the F-O regulations intend to accomplish, which are:

1. Conserve the character of the natural desert landscape.
2. Minimize the impacts of development by controlling the location, intensity, pattern design, construction techniques, and materials of development and construction.
3. Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass location, colors, and materials; grading location, design and treatment; and landscaping design and material.
4. Maintain significant open spaces which provide view corridors and land use buffers, protect landmarks and prime wash habitats, and maintain the city’s unique desert setting.
5. Protect environmentally sensitive lands, while also recognizing the reasonable expectations of property owners.
6. Encourage innovative planning, design and construction techniques for development in environmentally sensitive areas.

The remainder of this overlay district speaks to specific development standards that need to be adhered to in order to develop the uses allowed within the underlying zoning district. The F-O does specifically state:

Sec. 6.1003. Use regulations.

A. Permitted uses. Any use permitted in the underlying zoning district.

B. Uses permitted by conditional use permit. Any use permitted by conditional use permit in the underlying zoning district.

Therefore, this overlay speaks to preservation of character through the use of specific development standards, but does not preclude the underlying zoning district uses or uses allowed by a conditional use permit.

### Environmentally Sensitive Lands Ordinance

The Environmentally Sensitive Lands Ordinance (ESLO) is a set of zoning regulations adopted by the City Council in 1991 (amended in 2001, 2003 and 2004) to guide development throughout the 134 square miles of desert and mountain areas of Scottsdale. These areas are located north and east of the Central Arizona Project canal. The intent and purpose of the ESLO is to identify and protect environmentally sensitive lands in the City and to promote public health and safety by controlling development on these lands. The ordinance requires that a percentage of each property be permanently preserved as natural area open space and that

specific environmental feature, including vegetation, washes, mountain ridges and peaks, be protected from inappropriate development. This zoning overlay states in Sec. 6.1040. ESL USE RESTRICTIONS, Land uses shall be those permitted in the underlying zoning district except as follows: Land uses in the hillside landform areas with land slopes over twenty-five (25) percent, special features or unstable slopes are restricted to the following, provided that uses must also be permitted by the underlying zoning: residential uses including resort units and related streets and utilities; the activities identified in the Conservation Open Space (COS) district; (section 6.703 of the Zoning Ordinance) and golf tees. Ancillary resort uses, such as restaurants, meeting rooms or parking areas for more than five (5) cars are not permitted.

Therefore, the Foothills and Environmentally Sensitive Lands zoning overlays state the need to design projects with preservation of the unique area in mind by applying the overlays development standard regulations. Both overlays explicitly state that the underlying zoning districts regulate use.

Scenic Corridors are major thoroughfares designated by the General Plan to have scenic desert landscape setbacks, providing a sense of openness for the community. They preserve the natural setting, provide views of nearby landforms, visually link to vista corridors along major washes, and buffer adjacent land uses from traffic. The scenic corridor and associated design guidelines were developed:

- To preserve or restore the natural desert setting along the roadway
- To buffer the landowners from adverse affects of adjacent roadway traffic
- To provide travelers with views of nearby mountains, washes and other natural features
- For connectivity of pedestrian, equestrian and bicycle ways buffered from traffic by a desert setting
- To support our economic tourism industry's image by providing passages displaying our lush Sonoran Desert.

In reviewing required scenic corridor guidelines, it does not restrict land uses but instead directs the proposed development to respect the points mentioned above. In areas where existing developed scenic corridor are already dedicated, development is directed to match or increase the scenic corridor width for consistency in development patterns.

### **Current Review Process for Private and Charter Schools**

- A. Schools (public, private, charter) are treated in the zoning ordinance as residential uses.
- B. Private and charter schools are required to obtain a conditional use permit in R1 single family residential districts. Public schools are allowed by-right.
- C. Conditional uses are presumed to be appropriate in a zoning district if impacts are mitigated.
- D. City Council makes the determination to approve or not approve the conditional use permit based on finding that the criteria have or have not been met.
- E. General criteria are applied to all conditional use permits, regardless of the land use request:

- i. That granting the use permit will not be materially detrimental to the public health, safety or welfare. City Council's consideration shall include the following factors:
      - a. Damage or nuisance from noise, smoke, odor, dust, vibration or illumination.
      - b. Impact on surrounding areas from an unusual volume or character of traffic.
    - ii. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
    - iii. The additional conditions specified in Section 1.403 have been satisfied.
  - F. Additional criteria in Section 1.403 of the ordinance must be met specifically for private and charter schools in R1 districts. These are:
    - i. Lot size – Minimum of 86,000 square feet.
    - ii. Gross floor area ratio – Maximum of 0.2 times the net lot area.
    - iii. Noise - No outdoor speaker system or bell.
    - iv. Open space – 24% of the total lot area, plus 0.4 of lot area for each foot of building height over 20 feet.
    - v. Parking – berm or landscaping along streets; 15% of parking areas to be landscaping.
    - vi. Lighting – 16 feet max. pole height and lights directed down and shielded; 30 foot setback if adjacent to residential district
    - vii. Access – frontage onto a minor collector street or larger.
    - viii. Screening - 6 foot wall or landscape adjacent to residential properties; outdoor activity areas set back 50 feet from R-1 districts and screened by 6 foot wall or landscaping.
    - ix. Hours of operation – no outdoor activities after 8:00 pm. unless approved as a special event.
    - x. Building design – compatible with surrounding area.
    - xi. On-site circulation – Minimize conflicts between pedestrians and vehicles on-site.
  - G. City Council may revoke a conditional use permit if the applicant fails to maintain compliance with the criteria (conditions).

### **Policy Questions**

- 1) Should private and charter schools be considered commercial uses and therefore be restricted in low, medium and high-density residential areas?
- 2) Should there be a maximum number of private and charter schools permitted to locate in any one area?
  - i. How should that number be determined and the area defined?
- 3) Should church-operated private schools be treated differently than private or charter schools not affiliated with a religious institution?

### **Policy Options**

- 1) Maintain current process – Process new applications for private and charter schools on an individual basis
  - i) Use permit approval required in R-1 residential zoning districts
  - ii) Use existing criteria for mitigating potential impacts
- 2) Amend the Zoning Ordinance to specify a different approval criteria and/or process.

If City Council determines that the existing ordinance provisions do not adequately address the impacts of schools within R-1 residential districts, the Zoning Ordinance could be amended to address those impacts for future applications. Among the alternatives that City Council could consider are:

- 1) Limit the number and/or type of zoning districts within which schools can be located
- 2) Create separate standards for private schools that co-locate with other uses
- 3) Establish additional or alternative use permit criteria for schools, such as:
  - a) Minimum distance between school uses
  - b) Type of Approval required based on size of facility or enrollment
  - c) Increase required setbacks from existing R-1 uses
  - d) Require minimum classification of adjacent streets
  - e) Additional limitations on outdoor activities
  - f) Additional limitations on hours of operation

### **Legal Issues**

- A. Private schools affiliated with religious institutions may argue that federal law constrains the City's ability to regulate this land use. The existing ordinance imposes no special requirements, nor does it give special treatment to, private religious schools. This non-discrimination and non-preferential treatment is necessary to comply with federal and state laws protecting religious land uses, prohibiting the establishment of religion, and requiring that zoning laws be uniformly applied.
- B. Review of conditional use permits for schools must be based on whether the use permit criteria are met, not whether schools should be allowed at all in the district. The current ordinance reflects the legislative decision of past City Councils to allow private and charter schools in single-family residential districts if the use permit criteria are met. To change this approach, the zoning ordinance must be amended. Even if the city's criteria for conditional use permits is amended, private schools operated by religious institutions may be protected under Federal law and regulating them could be challenged.

### **Comparison with other Valley Cities**

- A. In the Valley, there are generally three types of approvals for private and charter schools:
  - a. Private and charter schools are permitted by-right,
  - b. Private and charter schools are permitted by-right if established criteria are met – no public hearing process required
  - c. Private and charter schools are permitted with approval of a conditional use permit, including a public hearing process
- B. Chandler, Glendale and Gilbert require a conditional use permit for all private and charter schools. Mesa, Peoria and Phoenix do not require use permits for these uses. All have established minimum development standards that must be met in order to establish a private school.
- C. Scottsdale's current ordinance requirements are generally equivalent to the requirements of the other cities surveyed.

## **Conclusion**

The role of local ordinances and policies is critical in balancing the need and/or desirability for private and charter schools with the concerns and expectations of future neighbors of those facilities. The current process for reviewing private and charter schools provides the opportunity for mitigation of potentially negative impacts through the conditional use permit criteria. If this process is not achieving an appropriate balance between the need and/or desirability for private and charter schools in the community with the concerns and expectations of the neighborhoods in which they locate, ordinances and policies can be amended to provide that balance.

## **Foothills Overlay (F-O) Conformity Analysis-7-UP-2004**

### **I. Purpose Statement of the Foothills Overlay**

The Foothills Overlay contains a purpose section, stating that the F-O..."provides a means to recognize and further preserve the rural desert character in the low density lands...generally not within subdivisions...to which the F-O overlay has been applied by defining additional standards that help define the area's unique character...these standards are intended to reduce the visual impacts of buildings and other improvements." There are six (6) purpose statements that the F-O regulations intend to accomplish, which are:

1. Conserve the character of the natural desert landscape.
2. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.
3. Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass location, colors, and materials; grading location, design and treatment; and landscaping design and material.
4. Maintain significant open spaces which provide view corridors and land use buffers, protect landmarks and prime wash habitats, and maintain the city's unique desert setting.
5. Protect environmentally sensitive lands, while also recognizing the reasonable expectations of property owners.
6. Encourage innovative planning, design and construction techniques for development in environmentally sensitive areas.

The F-O states in Sec. 6.1003. Use regulations.

A. Permitted uses. Any use permitted in the underlying zoning district.

B. Uses permitted by conditional use permit. Any use permitted by conditional use permit in the underlying zoning district.

Therefore, this overlay facilitates preservation of the character of the desert through the use of specific development standards, but does not preclude the underlying zoning district uses including those allowed by a conditional use permit. Those land use and developments that are permitted by the underlying zoning district, are also the uses that are recognizes by the F-O. However, the purpose of the F-O is to provide standards to these land uses and developments to assure they occur in a way consistent to the area's rural desert setting.

The F-O provides that the use and development of the subject site where conformance with the underlying zoning district is met shall also recognize and preserve the rural desert character of the area. This involves reduction of the visual impacts of the buildings and improvements, utilization of appropriate construction techniques, massing, styles, materials and colors, use of appropriate grading and landscaping, maintenance of open space and buffers, protection of habitats and sensitive lands and incorporation of innovative planning and site designs.

Development Review Board approval, dedication of NAOS and conformance to these principles will assure that this occurs.

## II. Development Standards of the Foothills Overlay

The remainder of the Foothills Overlay provides development standards that need to be adhered to in order to develop the uses allowed within the underlying zoning district. These standards are as follow:

- A. Building height 24' maximum – for parcels under 10 gross acres – Institutional Buildings – may exceed 24' in height to a max. of 40' provided that building setbacks increase by 25' from each property lines, for each added ft. of building height provided. Note, ESLO does not contain a similar provision.  
*The site's buildings meet the 24 ft. maximum building height measured from natural grade. Although the site is an institutional building, gross lot area is below the minimum 10-acre requirement to allowable height increases, although ESL does not permit the increased heights over 24 ft. Portions of the area proposed for development have had the original natural grade modified and original grade information has therefore been determined based on topographic information of the original, undisturbed site.*
- B. Walls up to 6' in height are permitted on the property line and within the parcel, except where located within the front yard of a lot. Undulating walls are encouraged. Walls not over 3' in height are permitted in the front yard. The maximum area of a parcel that may be enclosed by walls over 3' in height is;

Percentage of Lot Enclosed by Walls	Lot Area
60%	32,000-70,000 sq. ft.
55%	70,000-190,000 sq. ft.
45%	190,000+ sq. ft.

1. Walls may not separate a NAOS area from an abutting street or right of way
2. Walls up to 8' in height are permitted in the required rear or side yard on lots locate along collector or higher street designation within a required rear or side yard only, where wall setbacks of 50' to 100' from the right of way is provided. If a scenic corridor is designated a wall shall be setback a min. 125, max.175' from the right-of-way
3. A max. 6' high corral fence may be placed on property line except within 10' at a street right of way, or a PTE, and is are not subject to 6.1004 B.3 site area enclosure limits.

*The approximate 400,000 square foot (net) site area does not contain walls, except a permitted 3 ft. tall parking lot screen wall along the front yard, which is required by the church use criteria in the Zoning Ordinance. Scottsdale Road is a minor arterial street. A 50 ft. wide scenic corridor is provided along the site's frontage.*



## C. Accessory buildings

## a. Minimum setback for accessory buildings in the side and rear yards

Lot Area (Sq. ft.)	Setback from side or rear property line,	Min. Dist. between main res. & acc. Build on abut. lot	Distance between acc. building in required rear and side yard, R1-43 -190	Min. Dist. between access. buildings on same lot	See B below
32,000 - 70,000	5'	40'	10'	5'	60'
70,000- 190,000	10'	60'	15'	10'	80'
190,000+	15'	60'	20'	10'	100'

## b. No accessory building may be closer in the front property line than the main building if the main building is setback 60, 80, 100 feet

## c. Total area under roof of all accessory building

Lot Area (Sq. ft.)	Total area under roof of accessory buildings
45,000 -	30% of rear yard excluding NAOS
45,000 – 70,000	8,000
70,000 – 130,000	14,000
130,000 – 240,000	25,000
240,000+	40,000

## d. Maximum size of any one accessory building

Lot Area (Sq. ft.)	Accessory building area (sq. ft.)
32,000- 70,000	6,000
70,000- 190,000	12,000
190,000+	35,000

## e. Large building set back

Lot Area (Sq. ft.)	Setback for accessory building of 6,000-8,000 (Sq. ft.) area	Setback for accessory building of 8,000- 12,000 (Sq. ft.) area	Setback of accessory building area 12,000+ (Sq. ft.) area
32,000- 70,000	50'	N/A	N/A
70,000- 190,000	70'	75'	N/A
190,000+	75'	75'	90'

*Both the church and proposed charter school are considered as main uses on the site. With respect to the school facility, the school offices and multi-purpose/gym facility are considered to be customarily associated and supportive uses may also be considered as part of the main school use. The offices and multi-purpose/gym facility are physically attached and a part of the school building, and are not separate accessory buildings as such. The associated uses are therefore not considered as separate buildings, but as part of the main school building, with the main building size and yard setback requirements applied. Required separation distances between buildings similarly are not applicable since the buildings are attached. Total floor area of all school buildings is approximately 26,000 sq. ft., which is still within the maximum total building floor area under roof and also within the maximum floor area of any individual building as noted above. Rather than considering schools and associated buildings as main and/or accessory buildings, the Zoning Ordinance provides a maximum Floor Area Ratio (FAR) for schools of 0.200 while the proposed school and church together have a FAR of about 0.098.*

## D. Outdoor Lighting

- Below 3' in height, fully shielded
- Over 3' horizontal in height, full cut off fixtures, directed down
- All lights maximum 16' except security light

*A lighting analysis has been prepared for this school case and contains stipulations including tiering (segmentation) and timed turn-off periods, assuring these lighting requirements are met.*

## E. Sensitive Building Design

- No reflective material
- No Light Reflective Value (LRV) ratings over 40%
- Max value of (6) per the Munsell book of colors
- Non-indigenous plants shall except 20' in height and shall otherwise be enclosed in walls in yards with a minimum of 3' high walls
- Turf limited to non-visible areas
- Screened parking areas by low walls/berms

*These standards will be reviewed and stipulated with the Development Review Board process for this case.*

**F. Exemption**

- a. DRB may approve reductions in standards up to 25% if the stated purpose of ESLO –F-O are met
- b. City Council may approve 25% reductions of standards if they consider impact within 1000' of site

*No exceptions or reductions of standards to the F-O are requested with this case.*

**III. Analysis and Conclusions**

Development of the subject site with the proposed school facility appears to conform to the purpose and intent and development standards provided by the F-O. From a land use perspective, the F-O does not control land uses, which are a function of the underlying zoning district. F-O does provide that the use and development of the subject site shall recognize and preserve the rural desert character of the area. Prescribed development standards including building height and style, walls, materials and massing will help to meet this goal. In addition, the F-O provides that the visual impact of building shall be minimized.

Accessory building provisions likely do not apply to this site since both the church and school are main uses recognized by the zoning district. The associated office and multi-purpose/gym facility are customarily associated and supportive to a school use and are also considered as part of the main school use. In addition, the school, office and multi-purpose/gym facility are attached buildings and are not separate. Even if the F-O accessory building standards were applied to the related buildings, (large building and total building floor area under roof regulations); the accessory building provisions are still met. Provisions relating to lighting and building style and materials, values and colors and landscaping are met and will be stipulated accordingly.

No exceptions to the F-O provisions are being requested with the case. Development Review Board approval will provide assurance of conformance to development standards and dedication of NAOS area will assure conformance to these provisions.

**ESL Ordinance Conformity Report 7-UP-2004**

**I. Purpose Statement of ESL**

The purpose of ESLO is to preserve and protect Scottsdale's sensitive lands and promote health, safety and welfare and to provide the appropriate and reasonable control of the development of sensitive lands. The goals of ESLO are;

- 1. Protect people from hazardous conditions and flooding
- 2. Protect and preserve significant natural resources
- 3. Protect renewal and non-renewable resources
- 4. Minimize the public cost of providing public services and facilities

5. Conserve the character of the natural desert landscape
6. Recognize and conserve the economic, educational, recreational, historic, ecological and other cultural assets of the environment
7. Assure decisions regarding development are based on complete and accurate information about environmental conditions including drainage features and probable impact from development
8. Minimize impact of development by controlling the location, intensity, pattern design, construction and materials of development
9. Retain the visual character of the natural landscape
10. Maintain significant open space to provide views, buffers, landmarks, washes and preserve these open spaces in their natural state.
11. Protect environmentally significant features while recognizing the legitimate concerns of property owners and the City's overall economic goals
12. Encourage innovative planning design.

The ESLO states in Sec. 6.1040. states,  
All underlying zoning districts to which ESL apply will have the ESL land use notation. Land uses shall be those permitted in the underlying zoning district except where slopes exceed 25% within the Hillside Landform.

*The ESL Ordinance does not prescribe or limit land uses except in extreme slope conditions, land uses are therefore the function of the underlying zoning district. The ESLO does preserve and protect environmentally sensitive and hazard lands from inappropriate development of the property and prescribes the dedication of NAOS areas. ESL is intended to preserve the natural desert setting and requires the development of land to consider the purpose and goals stated, and to utilize appropriate design standards appropriate for these areas of the City. Provisions of ESL are summarized below, as well as the implications on this subject proposal.*

A. 6.1060 Open Space Requirements

Requires NAOS dedications on developed lands based on the slope of the land. As slope increases, so does the percentage of natural area open space dedication required. Open Space requirement. Lower and Upper Desert Landform

- NAOS shall be permanently maintained as open space
- Credits are provided for re-vegetated area
- Minimum dimensions and areas for NAOS are provided

*The subject site is dedicating in excess of the required 112,300 square feet (2.57 acres) of NAOS area in accordance with the Ordinance.*

B. 6.1070 Design Standards

- Construction envelopes, on-lot NAOS areas maintained
- Maximum building height in residential districts is 24 ft. measured from above natural grade
- Boulder protection, beginning at 6 ft. or larger dimension
- Minimize impact of hazard prone lands

- Protect peaks and ridges
- Methods of revising ESL landform maps

*The proposed school conforms to these requirements with building heights of 24 ft. or under measured from natural grade. This site contains no major boulders and the site plan has been modified so that buildings are away from the AO flood hazard zone located on portions of the property.*

C. Site and Structure Development Design Guidelines

- Mirrored/reflective surfaces
- Reflective building materials and roofs
- Blend in color, tone, hue with the surrounding desert and avoiding high contrasts
- Buildings should blend in scale, form and visual character
- Exterior lighting, low level, fully shielded and directed downward
- No paint colors over 35 LRV
- Maintain 6 or lower value and chroma of Munsell
- Non-indigenous plants that will grow to over 20 ft. in height are not permitted
- Turf shall be limited to walled enclosure areas
- Provide screening of mechanical appurtenances
- Wash modifications of washes over 50 cfs require Zoning Administrator approval

*Building styles, materials, colors, site lighting and vegetation will be subject to the review and approval of the DRB and conform to these requirements.*

D. 6.1071 Design guidelines

- Clustering
- Subdivision walls
- Trail development

*No clustering is included with this project. The site contains no walls, other than a low front yard parking lot wall and related screen walls. Trail dedications are provided along Scottsdale Rd. and jointly with the adjacent property along the northern boundary.*

E. 6.1083 Amended Development Standards

*No amended development standards are requested with this case*

F. 6.1090 ESL Submittal Requirements

*The use permit and follow-up Development Review Board application meet the ESL submittal requirements.*

## **II. Analysis and Conclusions**

The Environmentally Sensitive Lands (ESL) Ordinance establishes design standards and open space dedication regulations intended to preserve the natural desert character of the area. The application of the ESL overlay provides development standard and NAOS dedication to protect open space and hazard lands to help assure

suitable development. The ESL overlay does not regulate land use, which is a function of the underlying zoning districts. The proposed development is consistent with and does not violate the provisions of the ESL Ordinance.

## **Desert Foothills Design Guidelines Conformity Analysis-7-UP-2004**

### **I. Overview**

The Desert Foothills Design Guidelines apply to an 8 square mile area of Northern Scottsdale situated between Dixileta Drive and Jomax Road, and 56 Street to 96<sup>th</sup> St. including the subject property. This area consists of mainly large lot (1-5 acres) unplatted area, although some plated areas are contained within the boundaries. The purpose of these design guidelines is to preserve the rural desert character of the area. Council approved these guidelines in 1999. The intent of the Guidelines is to provide a basis for making more informed decisions about the quality of development occurring in the area.

The Guidelines are policy only and not regulation and are not enforceable as ordinance, code or law. The Guidelines establish a common foundation that focuses on blending development with the natural desert setting and provides a common community vision for the area. The Guidelines provide design standards for residential, private equestrian, places of worship and public facilities. The following is a summary of the standards for residential and public and institutional facilities. A review of the standards for single family will provide an overview for development considerations for the main type of use within the area.

#### **A. Low-density single-family residential use.**

This is considered to be the predominant use within the area. Design guidelines and development considerations include;

- Use of construction envelopes
- Protection of washes
- Stepped buildings on sloped sites, to minimize cut and fill areas
- Maintain saguaros and nature natural trees
- Provide a 24 ft. maximum building heights
- Use of multiple massing of building sections
- Turf is used only within walled areas
- Discourage continuous perimeter walls
- Walls should be no more than 4 ft. in height and undulate with the terrain
- Walls and corral fencing should be placed back 25 feet from rd. right-of-way
- Accessory buildings should to be compatible in materials styles and colors with main buildings
- Accessory buildings should not have frontage on major streets and be screened
- Building colors and textures should blend with surrounds
- Use of multiple roof truss systems to provide overall building interest

- Use of depth and shadowing of building facades is encouraged
- Use of indigenous and rustic building materials is encouraged

**B. Public/ Institutional Facilities**

These building shall emphasize the Sonoran Desert within their design. Design guidelines and development considerations include;

- Fronting on major collector or larger streets to minimize the effect on nearby neighborhoods
- Where possible, schools should not abut existing, low very density neighborhoods
- Screening of loading facilities to reduce visual impact of nearby residential areas
- Open space buffers should be placed around the entire perimeter of the site to mitigate the impact of these facilities on adjacent land uses
- Schools should not be placed on lands with slopes greater than 5% to limit the need for cuts and fill areas
- Buildings should be low intensity and any building over 12,500 sq. ft. should contain increased setbacks in order to blend with the character of the residential area and achieve a rural style
- Grading and construction envelopes should be provided to protect natural desert areas
- Pedestrian ways should be provided with covered or shaded canopies wherever possible
- Emphasis should be placed on indoor and outdoor transition spaces
- Building placement should not block views
- The maximum building height shall be 24 ft.
- Outdoor lighting shall be limited to 18 ft. in ht.
- Minimum open space area provided on a lot should be 25%
- Minimum distance between buildings should be 25 ft.
- Use of materials that blend with the surrounding desert
- Colors need to meet LRV, value and chroma per ESL and Munsell
- Use of native vegetation as much as possible
- Parking lots should be broken into small segments if possible, of 30 cars or less and adequately buffered

**II. Analysis and Conclusions**

The Desert Foothills Design Guidelines provide recommendations and standards, which focus on blending development with the natural desert setting and provides a common vision for the foothills area. Many of these principles have been subsequently incorporated into the Foothills Overlay. These Guidelines are not regulations, code or ordinance, but are designed to provide direction and to create a theme for the style and form of development that is deemed appropriate for the area. For example; the use of stepped buildings on sloped sites is encouraged to minimize cut and fill areas, buildings should blend with the natural setting in form, colors and materials, and buildings should be low in appearance with maximum heights of 24 ft. With regard to schools and public institutions, one clause provides that; “Where

possible, schools should not abut existing, low very density neighborhoods” The interpretation of this clause is that, if an option is available, a school should locate where adjacent lots are undeveloped rather than to locate next to existing residences. At the time of preparing the Guidelines, in October 1999 a wider variety of open lots was available than today. Currently with many new homes developing in the area, the option to choose a site that is in an undeveloped area is less apparent today. Screening and breaking parking lots into segments is another recommended guideline for public facilities. The subject parking lot is screened and varied to some extent, but not segmented to the extent suggested in the Guidelines however, parking provided along the north, east and to a lesser extent along the south sides of the buildings helps to break up the school’s parking lot. The Church’s portion of the parking lot on the site currently exists. Other development standards including the design and massing of buildings will be reviewed during the Development Review Board process.

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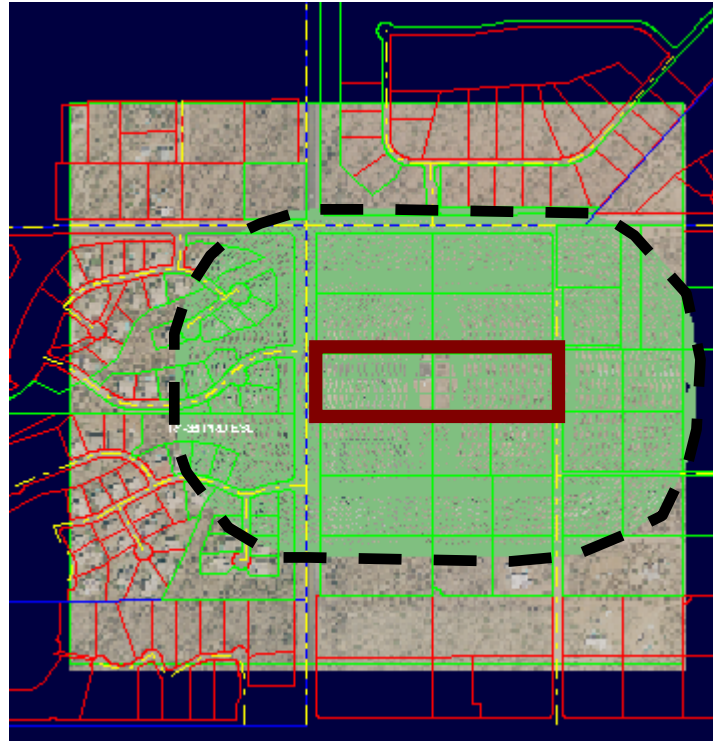
# **Sonrise Community Church**

## **7-UP-2004**

Attachment #10. Citizen Involvement

The above attachment is on file at the City of  
Scottsdale Current Planning office,  
7447 E Indian School Road, Suite 105.

# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary



Properties within 750-feet

## Additional Notifications:

- Interested Parties List
- Adjacent Homeowners
  - Carriage Trails
  - Friends of the Scenic Drive
  - Las Piedras
  - Scottsdale Vista Estates
  - Sincuidados
  - Trovia

Q.S.  
52-45

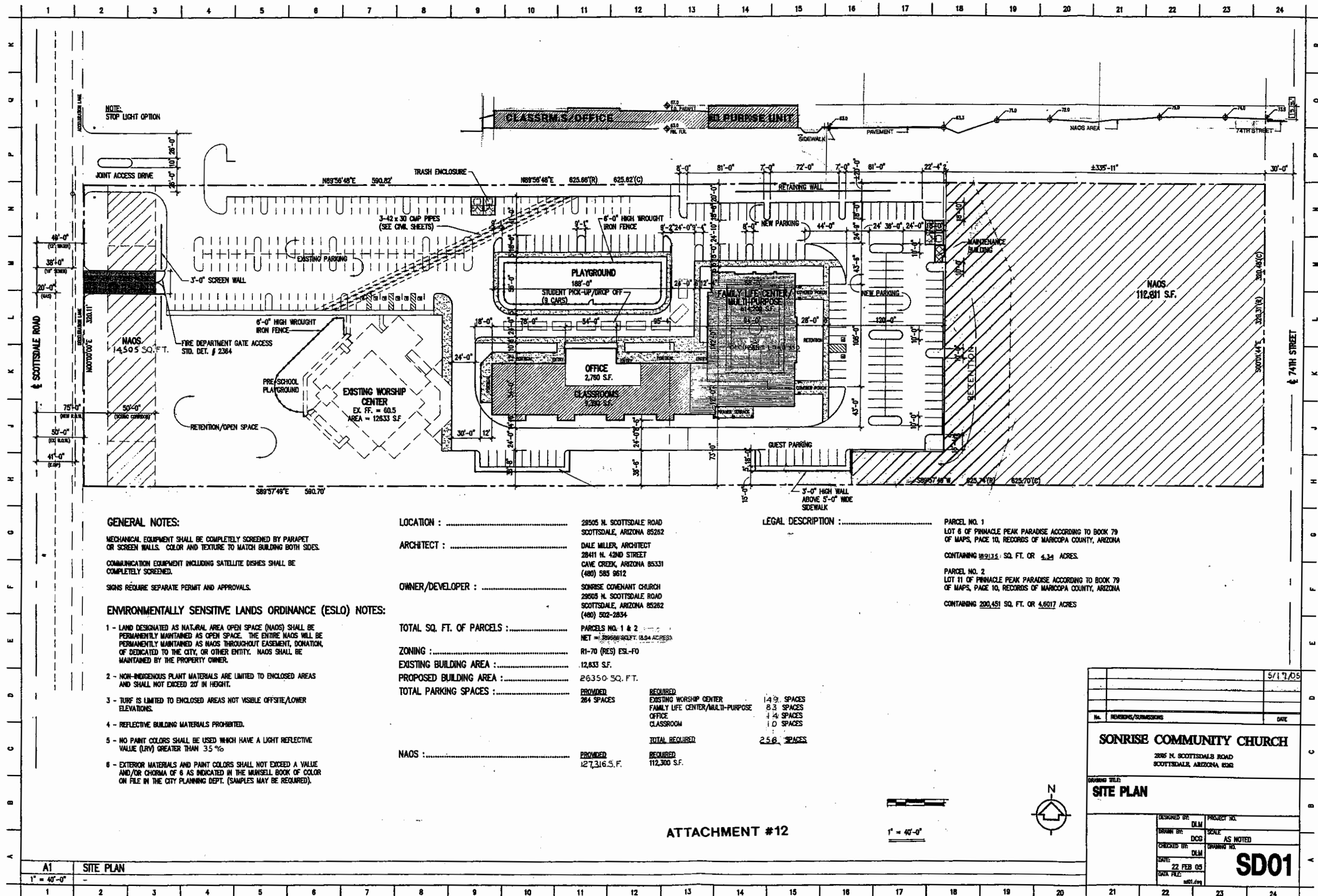
Labels pulled 4/6/2004



**Sonrise Community Church**

**7-UP-2004**

ATTACHMENT #11



**THE MOTION FAILED BY A VOTE OF THREE (3) TO THREE (3) WITH CHAIRMAN GULINO, COMMISSIONER BARNETT, AND COMMISSIONER STEINKE DISSENTING AND COMMISSIONER SCHWARTZ ABSTAINING.**

7-UP-2004 (Sonrise Community Church) request by Earl Curley & Lagarde, PC, applicant, Sonrise Community Church, owner, for a conditional use permit for a private/charter school on a 9 +/- acre parcel located at 29505 N. Scottsdale Road with Single Family Residential, Environmentally Sensitive Lands, Foothills Overlay District (R1-70 ESL FO).

**MR. GRANT** presented this case as per the project coordination packet. Staff recommends although there will be impacts of any new development, staff assessment is that the requested Conditional Use Permit conforms to ordinance requirements and recommends approval, subject to the attached stipulations.

**COMMISSIONER HEITEL** stated with regard to the use permit criteria it seems we would be dumping the responsibility of policing those uses on the neighbors. Mr. Grant replied from a practical standpoint the neighbors are the people who see the activities day in and day out and are the people who are the most affected by the activities on the site. He reported we do attempt to monitor the site to the best of our capabilities.

**VICE CHAIRMAN STEINBERG** inquired if the school was envisioned in the original master plan for Sonrise Church. Mr. Grant replied it was not part of the plan presented. Vice Chairman Steinberg stated during that case there was a stipulation for an alignment drive to occur. Mr. Grant replied in the affirmative. The stipulation was for a cross access easement to the north. Recently the property owner to the north has given approval for that to occur.

Vice Chairman Steinberg stated staff indicated there would be large functions. He inquired how that would be defined. Mr. Grant stated it would be a function of the capacity of the building. There is a 395-seat capacity in the gymnasium building

Vice Chairman Steinberg inquired where the 200-student enrollment number came from. Mr. Grant replied the applicant proposed the number.

**COMMISSIONER HESS** inquired if the enrollment is limited to 200, what would be the procedure if the applicant chooses to increase the enrollment. Mr. Grant replied they would have to come for an amendment to the use permit that would go through the same process that the use permit went through.

**COMMISSIONER HEITEL** inquired about the theater building that has 395 seats and how its size compares to other commercial theaters relative in size. Mr. Grant stated a good analogy would be a single basketball court building in a

grade school where you would have hard wood floors, stage, fold out tables for a lunchroom. It is truly a multi-purpose building.

**COMMISSIONER SCHWARTZ** inquired if there has been any consideration about how to prevent overflow parking and drop offs on 74<sup>th</sup> street. Mr. Grant replied there has been consideration and it would be a fairly inconvenient way to get on the property but they cannot guarantee no one will use 74<sup>th</sup> Street. Commissioner Schwartz inquired if there was any thought to putting no parking signs. Mr. Grant replied that would be a possibility if it was determined there is a problem.

**COMMISSIONER HESS** inquired when the traffic count was taken. Mr. Grant replied May 2003 and June 2004. Commissioner Hess expressed his concerns regarding the traffic in this area.

**CHAIRMAN GULINO** reminded everyone that we are not here to discuss the merit of whether this is a good school but rather the appropriateness of whether a school of this size fits in this location. He inquired by a show of hands that supports or opposes the project. A show of hands indicated the crowd was almost evenly divided on whether to support the project.

**LYNNE LAGARDE**, Earl Curley & Lagarde PC, 3101 N. Central, Phoenix, AZ, stated the Sonrise Church School Use Permit has received the most exhaustive review for compliance with all city regulations than any use permit case she has ever handled. The staff report confirms that the use permit complies with and meets all ordinances and regulations of the city. She stated that the applicant respects the regulations of the city and does not expect to be exempt from them. She reviewed the layers of regulation.

Ms. Lagarde reported in addition to the local regulations there are higher law that applies and that is the Constitution of this Country. She further reported that at the direction of the Chairman and City Attorney she would not go into a great deal of detail on the legal issue but thought it was important to make you aware of the first amendment. Congress has enacted the religious land use and institutionalized person's act to make sure that in land use decisions governments protect the right of religious freedom and religious exercise.

Ms. Lagarde stated they have one stipulation issue and that is the requirement that they put a 7.5-foot wide trail easement along the northern property line from Scottsdale Road to 74<sup>th</sup> Street. We believe that a better connection for this local trail system would be to dedicate 15-foot easement on the east side of the property and take that trail up to the property and take that trail up 74<sup>th</sup> Street. We believe that would be a safer location for the trail.

Mr. Grant passed out a copy of the proposed alternative to that stipulation that the applicant is proposing.

Ms. Lagarde discussed the use of the multi-purpose building noting that the events at this facility would not be held at the same time of Sunday morning service so there will not be a conflict and would be willing to stipulate to that.

She reported the church has redesigned the site plan at great expense to address neighborhood impacts and to address the AO Zone.

She concluded the use permit request meets all of the requirements as outlined in the staff report. The church wants to be a good neighbor so we are requesting approval.

**COMMISSIONER HEITEL** asked Ms. Lagarde hypothetically if she lived in the City of Scottsdale, and wanted to live in a desert rural environment like the Desert Foothills, would she consider an asset to have a 390 capacity theater and a 290 car parking lot where you thought there would be residential. Ms. Lagarde replied that she would consider it an asset and explained why.

Staff members' and the Civil Engineer for the project provided additional information and clarification regarding the many concerns brought up by the commissioners' regarding the drainage report. Information was provided on the distinction between an AO Zone and a Flood plain.

**COMMISSIONER SCHWARTZ** inquired how the church arrived at the size of the gymnasium multi-use facility. Ms. Lagarde replied it is a standard basketball court there is a cafeteria kitchen function, small office, storage, and a back of stage area. She reviewed the dimensions of the building.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**JIM WILLIAMS**, Sonrise Church, spoke in support of this request. He stated he is the Pastor of Sonrise Community Church. He explained the project will provide a needed service to parishioners interested in Christian education for their children. A Christian School is not a school per say (so much) as it is an extension of our Christian faith. He reported that they want to have a good relationship with the neighborhood. He further reported that this request complies with all of the City Ordinances and regulations.

**VICE CHAIRMAN STEINBERG** requested information on the children who would attend the school if they would come from outside of this area. Mr. Williams explained the students would primarily be from their congregation but enrollment would be open to the public. He noted at this point we do not know if the

students would be from outside of this area. He reported the demographic study we did indicated there is a need for this type of facility in the area.

**COMMISSIONER HEITEL** stated the Pastor has characterized the opposition to your school in the neighborhood as being opposed to Christian schools and you felt you were engaged in a spiritual warfare. He inquired if Pastor recognized that some of the opposition in the neighborhood is properly founded by equal passion to preserve rural desert lifestyle.

He inquired if they felt because they characterize themselves as a Christian School that they have the right to do anything anywhere they want without regard to equally passionate views of the neighbors attempting to protect their lifestyles. He noted that he has not voted against faith based or alternative schools and is a strong support but is disturbed by this undercurrent.

Mr. Williams stated he does respect people's alternate views. He described the conflict between Christian and worldviews. He further stated that everyone has the right to his or her own opinion. He remarked that he does not believe that they could look at and mischaracterize some of the things that have occurred to be less than spiritual warfare.

**MIKE STEFFES**, 30826 N. 74<sup>th</sup> Place, Cave Creek, spoke in support of this request. He stated that they comply with all of the ordinances and codes. He further stated the church tried to accommodate the concerns of nearby neighborhoods by redesigning its site plan to buffer between the school and Scottsdale Road. He reported there is a need for quality education.

**SYDNEY HAY**, 8787 E. Yearling Road, spoke in support of this request. She stated that she is a member of Sonrise Community Church. She further stated that she has had a long-standing interest in Christian education. She remarked this plan would not have a negative impact on the community.

**RICH ENDICOTT**, 27638, N. 61<sup>st</sup> Place, spoke in support of this request. He stated staff has addressed the traffic and drainage concerns. He further stated that the worship service at the church does not have much impact on the traffic.

**SKYLER COTA**, 8757 E. Arroyo, spoke in support of this request. He stated that he is a resident of Scottsdale and a member of Sonrise Community Church and has children that would attend the school. The church has been a good neighbor. He further stated the church has redesigned the plan in response to the neighbors concerns.

**BRUCE BILBREY**, P.O. Box 5970 Carefree, spoke in support of this request. He addressed the issue of property values. He presented information on how

comparable schools have increased property values. He noted there is a need for the school.

**GARY SCHMITT**, P.O. Box 514 Cave Creek, spoke in support of this request. He supplied the Commission with information on the group he was involved with the preservation of Spur Cross Ranch. He stated many of the neighbors that have moved into this area moved in after there was already at least one church. He reported this request complies with all of the city requirements. He further reported that he was in favor of the alternative stipulation for the equestrian path for safety and liability reasons.

**NANCY WINSHIP**, P.O. Box 4217 Cave Creek, spoke in support of this request. She stated she is a native of Scottsdale and the last 13 years in Cave Creek. She further stated that she has been blessed to have her children attend Scottsdale Christian Academy explaining that they have to go 30 miles each way. She requested the Commission rule in favor of Sonrise Community Church.

**GENE ASHLEY**, 30382 N. Palo Brea Drive, spoke in support of this request. He stated he lives in a development about a half a mile north of the Sonrise Community church, and in that development 50 percent have children. He further stated the issue is education and the importance of education. He remarked that zoning is important but it is not as important as education. He further remarked that parents in this area want this school.

**GRAHAM KETTLE**, 29651 N. 74<sup>th</sup> Street, spoke in opposition to this request. He stated that the residents of the community would attest that this application does not satisfy the requirements of the use permit criteria. He further stated that this is not a church or school issue. What they oppose is high-density development in an area of low-density residential. This request does not comply with the Foothills Overlay or ESLO. It does not retain the visual character or significant open space. He provided additional information on the drainage concerns on this site. He remarked a school on the site would be dangerous because it would sit in a flood hazard zone. Placing a child in this environment would be plainly irresponsible.

**COMMISSIONER HEITEL** inquired if it was Mr. Kettle's expectation when he bought his property that you were buying into a promise that Scottsdale made in regards to the character areas. Mr. Kettle replied that was an important reason in the selection of this house that it was positioned in the Desert Foothills. He stated his fundamental concern regarding this project is the scale of the buildings.

**VICE CHAIRMAN STEINBERG** inquired where the majority of the 500 people whom signed the petition in opposition live in relation to Sonrise. Mr. Kettle replied they live in close proximity.



Mr. Kettle responded to questions from the Commissioners' regarding drainage issues in the area. City staff members' provided additional clarification and discussed some of the drainage issues and challenges in this area.

**DEBBIE WIEGERS**, 29294 N. 74<sup>th</sup> Street, spoke in opposition to this request. She stated the granting of a conditional use permit is based on a degree of trust by the city to the applicant. The city trusts the applicant to follow any imposed stipulations or land use restrictions on sensitive building designs and conduct neighborhood outreach. The applicant's plan does not conserve the desert. She reviewed the track record of the applicant noting that there are several examples on noncompliance with key stipulations that were set out in 95-DR-98. She reviewed the stipulations that were not complied with. She discussed the issue of decreased property values because of the school. She added the majority of the neighborhood is opposed to this project.

**HOWARD MYERS**, Desert Property Owners' Association, 6631 E. Horned Owl Trail, spoke in opposition to this request. He discussed the traffic issues the issue is not the capacity of the road, which is what is always analyzed. The issue is the safety of that road for the people who live in that area and must drive that road. And for that reason, the analysis numbers are flawed. He reviewed the major flaws in the analysis. He discussed the traffic patterns on Morning Vista and Sunrise North. He also discussed the impact to 74<sup>th</sup> Street and the impacts to Scottsdale Road.

**JAMES STRESS**, 29450 N. 74<sup>th</sup> Street, spoke in opposition to this request. He stated his property abuts this proposed development. He discussed why this proposal does not adhere to the Foothills Character Plan that states where possible school sites should not abut low-density residential neighborhoods. He provided information regarding why this proposal is in noncompliance with Sec. 1.401 CUP.

**JULIE WECHSLER**, 29551 N. 74<sup>th</sup> Street, spoke in opposition to this request. She stated this is a commercial development for a school/gymnasium/theater that does not serve the local community. She provided information on the demographics in the area. She further stated the demographics as presented by an earlier speaker were inaccurate. She discussed the type of concerts that have been held at the Sunrise Community Church. She presented her concerns regarding the traffic analysis.

**LOIS DRINKWATER THOMPSON**, 29397 N. 74<sup>th</sup> Street, spoke in opposition to this request. She stated when she moved into her house she did not choose to move in next to a school she chose to move into the Sonoran desert. She discussed why people chose to live in the Desert Foothills Overlay. She requested that this request be denied because of the character of the area, property values, and the quality of life.

**COMMISSIONER HEITEL** inquired if based on the representations of the City of Scottsdale to characterize these areas for preservation, if she would consider this a violation of trust given in that regard. Ms. Drinkwater Thompson replied in the affirmative.

**COPPER PHILLIPS**, Scottsdale Saddle Club/POA, spoke in opposition to this request. She stated that her big concern is the equestrian community. This is a horse-zoned area. She further stated that she is a strong advocate of schools. She explained that there is a place for everything and this is not the place for a school. She remarked that we need to protect the highly used trails in this area.

**LINDA WHITEHEAD**, 9681 E. Chuckwagon Lane, spoke in opposition to this request. She stated the Commission's role is to review applications to try and determined if they meet the city requirements and make a recommendation to the City Council. In reviewing the applications' they rely on guidance from staff. She discussed her issues regarding the information presented on the drainage issues and placing a school in a flood hazard area. She noted that it has been required the school obtain a cross access agreement and that has not been met. She added the DR stipulations have not been resolved.

**BOB VAIRO**, Coalition of Pinnacle Peak, spoke in opposition to this request. He stated this is a land use issue and a neighborhood planning issue. It is not a church or religion issue. He remarked that everyone in the room might not be aware of the five-page letter from Ms. Lagarde, the zoning attorney for the applicant, that deals only with one issue the constitutionality and religious land use and institutionalized person's act. The letter does not discuss if the applicant met the requirements of the conditional use permit. He commented on the intimidating nature of the letter. He reported the neighbors have tried to work out their differences. He urged the Commission make a recommendation for denial.

**TOM CRAIG**, 29233 N. 70<sup>th</sup> Way, spoke in opposition to this request. He stated there are 65 homes in their development and there are less than 10 children. He expressed his concerns regarding this high-density development. He also addressed his concerns regarding the traffic.

**CHARLES SANDHOFER**, 29525 N. 69<sup>th</sup> Place, spoke in opposition to this request. He stated he is the President of Carriage Hills Homeowners Association. He discussed his concern regarding the level of traffic at this intersection.

**RICK MINEWEASER**, Las Piedras Homeowners Association, 7669 E. Baker Drive, spoke in opposition to this request. He stated that the proposed plan would have a direct impact on their quality of life. He further stated he felt the reasons for denial is because of the traffic, drainage concerns as well the school would be a commercial development.

**MICHAEL BRADLEY**, Sincuidados HOA Board of Directors, 8300 Dixileta Drive Lot 263, spoke in opposition to this request. He stated at the April 27<sup>th</sup> Board of Directors meeting they discussed this conditional use permit and voted to oppose this development because of the negative traffic impact and the negative affect on the character of the area. Since the April 27<sup>th</sup>, meeting a petition circulated and 30 were in opposition and two in support.

**TONY NELSEN**, Desert Foothills POA, 7736 E. Redbird Road, spoke in opposition to this request. He stated that he was impressed by the sophisticated level of detail our residents were forced to come up with to come to do battle in these chambers. He addressed the issue of character and the intent and spirit of the Foothills Overlay and the ESL Ordinance. He reported that this is a special place to live. He provided history on the site. He expressed his concern regarding the drainage issues and the density of this proposal. He noted that he was tired of Ms. Lagarde trying to eliminate the trails on the General Plan.

**JANE RAU**, 8148 E. Dale Lane, spoke in opposition to this request. She stated the biggest thing about this is that it should be denied to stop tragedy. She provided information regarding serious drainage and traffic concerns.

**SUSAN WHEELER**, Cactus Corridor, 9616 E. Kalil, spoke in opposition to this request. She requested this school is denied because of the negative impact it will have on the neighborhood. She further stated that the trail on the General Plan on Scottsdale Road should be 50 feet anything smaller is dangerous.

**DAWN BROKAW**, 9909 E. Paradise Drive, spoke in opposition to this request. She stated she lives in the Cactus Corridor and there are a lot of things in common with this case and the case before it. She inquired why they do character studies if they are not going to be adhered to. She stated they couldn't make meaningful decisions about areas when you don't consider aggregate. It there are churches and schools one right after another they overwhelm the streets, the character studies, drainage, and it is impossible to plan.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**MS. LAGARDE** stated after listening for all of these hours to opposing testimony she has been trying to figure out what the opposition is really about. She further stated that she felt the Planning Commission needs to be able to separate fact, fear, professional analysis, confusion and misapplication of technical analysis from people without the professional expertise.

She reported that the people at Sonrise Church care as much about the desert as the people in opposition. She further reported that she felt the key issue is character and what that means. The character plan does not require that every use within the area is a single-family home. If that were the case, there would be

no churches or schools. She stated that there appears to be a different view of what makes a neighborhood and what makes a community.

She stated the drainage plan and traffic study have been prepared by professionals. She provided information that the property values in the area would not decrease because of the school.

She reported they have met all of the criteria and this school will be a good neighbor. She urged approval of this request.

**VICE CHAIRMAN STEINBERG** inquired why they need 11,000 square feet for 200 students noting that square footage could accommodate 700 students. Ms. Lagarde reported the enrollment is limited to 200 students and if they wanted to increase it, they would have to come back. Vice Chairman Steinberg suggested that they could consider something less obtrusive. Dale Miller, architect, reviewed the classroom dimensions. He explained it is not all classrooms there would be a library, and computer room.

**COMMISSIONER HESS** asked for an explanation regarding the noncompliance with case 95-DR-98 in not installing a berm, a cross access, not re-vegetating, and here we are in 2004 and that still is not done. He stated this seems like a poor neighborly attitude and an attitude of non-cooperation. He further stating he does not understand the posture of Sonrise saying they are a good citizen.

Ms. Lagarde stated regarding the cross access easement the city or the applicant does not have the mechanism to legally force our neighbor to grant that easement. She further stated that they did re-vegetate all of that areas that were disturbed during construction that were not going to be covered by buildings. It was always known that buildings would cover this area. The Pastor of the church provided information on their attempts to contact the Methodist church regarding cross access noting the last attempt was in 2002.

**COMMISSIONER HESS** inquired why the berm was not installed. The Pastor stated that he could not answer that question. Commissioner Hess stated that since that DR stipulation has not adhered to what is to make us believe they would install the four-foot berm at the back of the property. Ms. Lagarde stated the Scottsdale Ordinance allows berming or landscape screen, or screens walls to screen parking and maybe the determination of staff was the landscaping installed satisfied the requirement. Commissioner Hess stated that at some point he would like information on what the solution was.

**CHAIRMAN GULINO** inquired if the overlay ordinance restricts this type of use next to low density residential. Mr. Grant replied in the negative. He explained the ordinance has requirements for development in the Foothills Overlay area. The Design Guidelines were developed to provide a basis for the implementation

of the Foothills Overlay. The Design Guidelines can be interpreted as to whether a large buffer between low-scale residential and a church use is in fact a buffer or is it in conflict with the Design Guidelines.

Chairman Gulino stated regarding traffic, his concern is regarding the queuing distances in the center median on Scottsdale Road for left turns coming into the site from the north. He inquired if that was addressed. Mr. Kercher replied the counts done at Morning Vista and Scottsdale Road show during peak hours the volumes are low and would not create those conflicts. Chairman Gulino stated the traffic counts were done in May and June, which is a slower time of year, he inquired if adjustments were made to account for busier times of the year. Mr. Kercher replied in the affirmative.

Chairman Gulino inquired if churches are allowed by right pretty much anywhere. Mr. Grant replied in some districts there are specific church criteria that would need to be met. He reported that in general churches are allowed by right.

**COMMISSIONER SCHWARTZ** requested clarification on the church's right to build a gymnasium. Mr. Grant stated it is difficult to provide certainty. He explained that it would be what would be considered an ancillary use to the main building as a church.

**CHAIRMAN GULINO** requested the commissioners' provide their closing comments.

**COMMISSIONER STEINKE** stated that he was a little disheartened in the mix of all of this we have heard words similar to betrayal, fear, intimidation, and there have been ripples of that throughout the meeting. He further stated that he understands they are passionate about things. He remarked there is a substantial amount of question regarding the mitigation of things that need to be taken care of on that property to make it so it does meet the criteria for the rezoning.

He stated looking at that piece of property given the values that property has in the area that it supports; the current zoning; the limitations and opportunities within the zoning, and the overlays. Did the applicant meet the criteria that was requested of them by the people we entrust the City of Scottsdale and the people who have been asked to survey all of the information did they do that in good faith. Did they do it in a reasonable and respectful way. When I take back to that base value and look at it specific to those questions. I have to say that this applicant has this evening met and during the course of this met the requirements put on them by the City. In such a way that I think they have sincere genuine interest in developing whatever it is this ends up being in a way that is compliant and not detrimental to the neighborhood in their eyes. He commented for that reason I would support this proposal.

He explained this is not a feel good opportunity because of the ripples of division running in this room and that brought us to this point. If anyone wants to glow about those comments, they ought to think twice about that. This is not a glowing endorsement. This is a sorting out some very difficult issues where a number of people have expressed them in feverish pitches.

He remarked regardless of how this turns out if this does pass the City Council I would call upon staff and the applicant to fully understand and comply with all stipulations that are in writing and if anything is left to interpretation be spelled out immediately. He further stated that it ought to be a little embarrassing that you cannot answer the questions about the berm and other things that did not get done.

He expressed his appreciation for the people who are here tonight and the wonderful mix of attitudes and opinions. He stated when it is all said and done they need to then go back into the community and pull people back together and say this is where we are going.

**COMMISSIONER BARNETT** stated at the beginning of the case everyone was arguing the details and by definition, everyone who is here says they meet everything and then we say yes or no. The whole point for being here is because pretty much everything in the code is a subjective decision. The zoning is there to create a logical, predictable pattern of development so you have comparable land uses clustered together. It attempts to create some type of logic to the zoning especially in the residential area.

He remarked that he is looking at a zoning code that is 40 years old and setup in such a way probably never envisioned a church/school with a 5,000 square foot office, basketball court, and with other facilities. All of the sudden they are at a 45,000 square foot facility and Mr. Grant has indicated if they want to build more they can build more. He further remarked it is a subjective decision and to me I feel this is a high intensity use right along a low intense land use. It is still a dirt road there is not even pavement on the roads. This is still rural area.

He reported that this is one of the last scenic corridors in Scottsdale that are not fully built out. The other scenic corridors are fully built out with commercial and not what he would consider a scenic corridor. He reported we have spent a lot of time working on the ESL Ordinance that sets up a position that attempts to defeat high intensity uses like this. He noted looking at the scenic corridors wanting to see a low intensity use and the ESL Ordinance wanting a low intense use. He noted that he does not have anything against schools or gyms. This does not make a lot of sense to be talking about the intensity of this development when there can be a lot of people on this site at one time. He concluded regarding the intensity issue he is not comfortable with this and not in favor of this request.

**COMMISSIONER SCHWARTZ** thanked everyone involved it has been a long road for everyone and contentious at times but at the end of the day hopefully regardless of what the decisions are we would all be able to function and communicate together in a reasonable fashion.

He stated that he has spoken with both sides and it is important that both sides go through this process to consider yourselves ambassadors of good will and continue to have meaningful dialogue regardless of the decision made at this level or by the City Council.

He reported that tonight and over the course of the last two weeks he has been trying to be involved and trying to build a consensus, there was a comment made by Mr. Nelssen regarding what the definition of less intense means. And nobody has been able to describe what less intense means. Less intense is too general. Less intense needs to be descriptive. It says to me, I want something smaller. How do you consolidate uses. How do you create buffers. How do you mitigate impacts to the neighborhood. He further reported that you can't start having meaningful dialogue to draw a plan if you cannot sit down at the table together and define what those elements are and draw the plan together.

He stated that the only way he would support this case is with less intensity and that last intensity is:

- Preservation and protection of 74<sup>th</sup> Street.
- Restriction to no more than a fixed amount of students by square footage and there would be no case to come back and ask for more students to be allowed on the site fixed in perpetuity.
- The asphalt be removed in its entirety and be replaced with decomposed granite.
- Limit outside uses of the gymnasium facility, reduce the size, and consolidate the uses within the gymnasium facility.

He concluded that under those conditions would be the only way in which he would support this case moving forward.

**COMMISSIONER HESS** thanked everyone for coming and for their passion on both sides. He thanked Commissioner Barnett for saying what he wanted to say. He stated that he was not satisfied that the conditions have been met. He further stated that he is very disturbed about traffic and that he felt it is not a safe solution. This is same traffic department that when Dixileta was completely paved and speed became a serious issue their solution, once they did a traffic study, was to raise the speed limit. He further stated that does not give him a lot of confidence.

He remarked that he was not comfortable with the drainage issue. The people who live in Florida could probably best answer the story of probabilities. I don't think they expected four hurricanes in 45 days. He further remarked that kind of devastation could happen here under a different set of circumstances. He concluded that he would not support this request.

**COMMISSIONER HEITEL** stated that he has voiced his concern throughout this hearing. He further stated that he would like to address the disturbing intimidation undercurrent here with a win at any cost the end justifies the means sort of politics of neighborhood destruction that makes him sick. They are taunted that the gymnasium is an important issue but they are taunted that it can be built regardless of what we think. Although Ms. Lagarde has reminded us she was on the Planning Commission, knows the charge we are responsible for, and knows the rules we deal with we still received this Lagarde constitutional doctrine that has a disturbing character to it. As noted in prior discussions the Pastor of the Church is on the radio characterizing the people of north Scottsdale as not wanting a Christian school and that the strong feeling against it would be what he considers a real spiritual warfare. He remarked that he does not like it and he hopes Council takes note of this and sends a very clear message that we are volunteers and are people living in this community and don't need to be intimidated and assaulted like this.

He remarked that he did not believe this case fulfills one of the criteria of the Use Permit. He further remarked that they have made an effort to appear it does but it does not. There are unresolved drainage issues. There are unresolved traffic issues. There is a desecration of 74<sup>th</sup> Street. This is a wonderful project but on the wrong piece of property. You should not be moving into somebody's residential neighborhood with 395-seat theater and 290-car parking lot that is not neighborhood friendly.

He reported that he has never voted against a school, a private, or faith based school. He further reported that he has personally supported them and is a strong advocate and believes they are fundamentally importance to the community. But he cannot do this to this community that has an equally strong and passionate belief in preserving a little bit of the desert character and the years, and years they have worked to try to do that. He concluded that he would not support this case.

**VICE CHAIRMAN STEINBERG** stated that he is looking at it as only a land use and planning issue. I look at the conditions for granting the use permit and things really strike me succinctly is the traffic issue. The project is materially detrimental to the public health, safety, and welfare from a traffic issue. There are poor levels of service that exists that will only be exasperated through another 200 students and the traffic that is associated with a school. He further stated that he



would like to avoid a Pima Los Gatos crash that took two lives recently. This is a very dangerous situation waiting to happen.

He commented that he likes the idea of the school but felt it is in the wrong place. He further commented the flood zone and the wash issue is disturbing. He remarked there is an overall lack of compatibility with the surrounding area. I don't think the current zoning ever envisioned three private schools side by side. The ordinance needs to be revised and perhaps we need certificates of need like they do in certain communities where you can't build too many of any larger type intensive use without getting a certificate of need and proving it is required and warranted. They are seeing a real disruption of the rural lifestyle with the increased traffic from this type of intensive use. It is in conflict with the area Foothills Overlay and ESLO. It contradicts the General Plan by allowing limited number of nonresidential use on residential land.

He expressed his concern regarding monitoring the number of students. This is not planned for 200 students because with 11,000 square feet could accommodate 700 students. He stated that there is something wrong and it does not feel right to impact the neighborhood in such a negative fashion. He concluded that he could not support this request.

**CHAIRMAN GULINO** thanked everyone for being as civil as they were. He stated in general he was disappointed that there could not have been a narrower gap between both sides of this issue. He further stated that he could understand and sympathize with issues raised on both sides of this question. He commented that he agrees with many of the comments made by the commissioners'. In general, I think there is a version of this project that would make sense on this property. I don't think this is it. I agree with Vice Chairman Steinberg's comments that given the ratios that had been discussed for the level of enrollment the site seems to be overbuilt and for that reason he would not support this case as presented.

He stated that he felt there are some issues relative to traffic and drainage but are not anywhere as horrible or detrimental as was implied. He further stated that from his perspective the issues regarding traffic and drainage could have been better presented to us. He remarked that he did think the drainage and traffic issues could be solved. If at some point there is another version of this project that comes through, I would anticipate more specific information on those.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 7-UP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR DENIAL. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ONE (1) WITH COMMISSIONER STEINKE DISSENTING.**

**ADJOURNMENT**

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 12:20 a.m.

Respectfully Submitted,

"For the Record " Court Reporters